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A LETTER,
BY THE
RIGHT REV. JAMES DOYLE, D. D.

LETTER

TO

THOMAS SPRING RICE, ESQ. M.P.

&c. &c.

ON

THE ESTABLISHMENT OF A LEGAL PROVISION

FOR THE

IRISH POOR,

AND ON THE NATURE AND DESTINATION OF

CHURCH PROPERTY.

BY THE

RIGHT REV. JAMES DOYLE, D.D.

&c. &c.

DUBLIN :

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1831.

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SIR,

THERE are many reasons why such remarks, as occur to me, on the subject of a provision for the most indigent portion of our countrymen, should be addressed to you. Among those reasons, are the unwearied attention with which you have investigated the state of Ireland ; the extensive and accurate knowledge you have acquired of that state ; your ability to improve her condition, and your anxious desire for that improvement ; but above all, the patience, I should rather say the kindness with which you have, at all times, listened to my crude opinions, even when those opinions differed very widely from your own.

It appears from the “ Report of the Select Committee on the State of the Poor in Ireland,” ordered by the House of Commons to be printed,

16th July, 1830, that the question of making a legal provision for the Irish poor remains as yet undecided. And as the committee, abstaining from any specific recommendation to the House of Commons on the subject, is satisfied to refer them to the evidence as reported, it may not be improper, perhaps it may be useful to lay before the public, under the sanction of your respected name, a summary of the arguments contained in that evidence. This is the task which I propose to myself. I will endeavour to execute it with brevity and candour, not by extracts from the evidence itself, for then brevity could scarcely be observed, but by reducing the arguments employed by the opponents of a poor-rate to the most simple form, and unfolding those used in reply to such extent only, as will enable the public to estimate their value.

We may premise as *maxims*, or *postulates*, those truths or facts about which all, or nearly all, the witnesses are agreed. These facts or truths are the following. 1st. *That* a great portion of the labouring population is without employment.

2nd. *That* the average price of labour is about ten-pence per day.

3rd. *That* the labouring classes subsist on a

species of food, capable only of supporting animal existence in the lowest state.

4th. *That* the supply of this food is precarious, and the failure of it is attended with extreme suffering, arising from want and contagious disease.

5th. *That* the number of destitute poor in Ireland is exceedingly great ; and though few of them die of actual want, great numbers of them perish gradually of inanition, or are carried off by chronic or inflammatory diseases, produced by wet, cold, and hunger.

6th. *That* the expense of providing food for an Irish pauper, varies from two to three-pence a day, but in no case is found to exceed the latter sum.

7th. *That* excepting fever hospitals, county infirmaries, dispensaries and lunatic asylums, there is no provision made by law for the Irish poor.

8th. *That* the number of the unemployed, as well as of the destitute poor, has been exceedingly increased, and their sufferings proportionably aggravated by the system which has prevailed for some years, and still prevails, of ejecting the smaller tenantry from their holdings, and consolidating farms.

9th. *That* the burthen of supporting the poor

and destitute, as they are now supported, is borne principally, and almost exclusively, by the industrious or middling classes of society.

10th. *That* it would be desirable so to equalise that burthen, as that it might be shared in just proportion by all the owners of property in Ireland.

11th. *That* the legislature is imperatively called on by the actual state of the labouring classes, and of the destitute poor in Ireland, to devise some means whereby relief may be afforded to them.

It is contended by those who are opposed to the introduction of a poor-rate in Ireland. *First,*

That the poor are so numerous, that if a provision be made for them by law, they will consume all the produce of the land ; in other words, eat up the rental of the country.

Secondly, that whatever is given by the possessors of property for the maintenance of the poor, is deducted from a capital to be otherwise employed in productive labour, and acts as a continual drain upon the resources of the country, or as a drawback from her ordinary and legitimate means of improvement.

Thirdly, That a legal provision for the poor invites to idleness, and renders the poor improvident.

Fourthly, That such provision tends to narrow the exercise of charity, and to weaken not only the ties of neighbourly kindness, but even of filial and parental affection.

Fifthly, That if a provision for the poor were prescribed by law, there could not be found in the several districts or parishes in Ireland, persons fit and able to carry into effect the provisions of such law.

Sixthly, That the abuses inherent in the English system of poor-laws, are evidence of the inevitable mischief to arise from a system of poor-laws, if introduced into Ireland.

Seventhly, That the sufferings of the Irish poor may be more beneficially and effectually relieved, by the correction of abuses in the raising and expenditure of the monies now levied by local assessment, and by that general improvement likely to arise from individual enterprise, and from public works, to be designed and aided by government, and carried on under their direction and controul.

Eighthly, That Ireland is at present in a state transition, as England and Scotland were at former periods, and therefore she will, like these countries, work out of her present state of suffering, to a state of comfort or affluence.

Ninthly, That the poor have no claim founded on justice, to a provision being made for them at the expense of the rich, or of those possessed of property.

These are the arguments, so far as I have been able to collect them from "the evidence," employed by those who are opposed to any provision being made by law for the Irish poor. I shall now set down each of these arguments separately, and annex, by way of reply to them, the opinions of those witnesses who thought favourably of having some provision, however slender, secured to the aged and infirm—to the helpless and destitute of our population, and of attempting the relief of the unemployed poor.

It is alleged, "That the poor are so numerous, that if a provision be made for them by law, they will consume all the produce of the land; in other words, eat up the rental of the country."

There is a short reply to this allegation, for it is an allegation, but not an argument. The reply to it is this. That a legal provision for all the poor is not contemplated, or sought for, but only for that portion of them who are unable through age, infirmity, or other special cause, to provide their own support. Admitting, therefore, but only for

sake of argument, that the whole produce of the country would be required for the maintenance of all the poor, it does not follow that even a great portion of it would be necessary for the support of that class last above-mentioned.

Again, if the country be in a state of transition from poverty to comfort, and if her poor are to find effectual relief in the expected improvements of her civil administration and internal resources, how, it may be asked, could a provision for the impotent poor not only counteract the relief anticipated from increased employment and production, but also devour the whole rental of the country, especially when the average expenditure for the support of a pauper is ascertained not to exceed two-pence and a fraction each day?

But what appears conclusive on this point is, that the Irish poor are now preserved from actual starvation; it would not be just or true to say they are supported, but their lives are now generally preserved by the voluntary offerings of the industrious classes alone; and if these classes have been able hitherto, without ruin to themselves, to save their destitute brethren from perishing of want, with what colour of truth can it be alleged, that the additional expenditure to be assigned by a

Poor Law for the maintenance of paupers, would eat up the whole rental? There is great reason to suspect, that the persons who object on this ground to the introduction of a Poor Law, have either not duly considered the subject, or are influenced in their judgment by a fear that they would themselves be subjected to any portion of that unavoidable burthen of feeding the poor, from which they have hitherto successfully endeavoured to keep themselves altogether exempt. These persons are forced to admit that their own rent-rolls have advanced two, three, or four hundred per cent. within the last forty years, the very period during which pauperism has been regularly progressing in Ireland; but when there is question of relieving that pauperism by the slightest deduction from those rent-rolls, they exclaim—"you will hand over our estates to be devoured by the poor." There is not truth, or justice, or Christian charity, or knowledge of the state of Ireland, in assertions like the above. They are the fruit of preconceived errors, or of a selfishness, odious alike to God and man.

Second objection is, "That whatever is given by the possessors of property to the maintenance of the poor, is deducted from a capital to be other-

wise employed in productive labour ; and therefore, acts as a constant drain upon the resources of the country, or as a drawback from her ordinary and legitimate means of improvement."

This argument, if admitted to its full extent, would not only repeal the Gospel law of charity, but justify the savages in North America, who used to put to death, or leave to perish without regard to the voice of nature or ties of blood, those of their respective tribes, who, through age or infirmity were unable to join in the chase, or share in their wars. It would invite us to adopt, among the maxims of our political economy, not the "non intercourse system" of Malthus, but the practical science of the Chinese, who are said to guard against domestic want, by the prudent exercise of infanticide. To such maxims, and to such practices, we, in this country, may one day be driven, if abstract theories be allowed to combat successfully, against the first principles of nature, and the first duties of man. What ! if it be true that "there must be always poor in the land"—if it be true that he "who sees a brother suffer want, and shuts the bowels of compassion against him, hath not the charity of God abiding in him :"—if it be true, that not to feed the

hungry man in the day of his utmost need, is to imbrue our hands in his innocent blood, how can we admit to discussion, as if it were doubtful, the obligation attached to all property, of maintaining out of it the helpless and destitute—the stranger, the widow, and the orphan.

But it is said, “that what is given to their support, is deducted from capital to be otherwise employed in productive labour.” This is objected to the advocates of the poor, and it is objected without remorse by those who justify luxurious living—the keeping of dogs, and horses, and servants, without limit or employment. These persons say, that what is thus expended or consumed, returns to the tradesman, the merchant, and agriculturalist. Be it so. But if the rich encourage arts and agriculture by useless and luxurious consumption; if the capital thus expended by them be not withdrawn from productive labour, how can it be said, that the food and raiment furnished to the pauper, is a drawback from the resources of the country. We may import spices from the east, and extract gems from the depths of the ocean :—we may collect, for our amusement, the beasts of the earth, the fowls of the air, and the fishes of the sea :—we may gratify all our

appetites, whether regular or unruly :—we may expend upon the idle, the licentious, the profane, the fruits of labour and the products of industry, without trenching upon the capital to be employed in productive labour ; but, if from our excesses and fictitious wants, we deduct a mite for the widow, or a crust for the orphan, industry will perish, and the state decay ! The poor rate, it is true, will not be sown in the ground, and the food and raiment given to the pauper will not increase and multiply ; but the precious wines we consume, the gorgeous palaces we inhabit, the dogs and horses we employ for pleasure, the pampered hordes who feast in our halls—these—all these are no deduction from productive labour.

But who are they who advance this paradox ? They are the men who are forced to confess that the accumulation of wealth in large masses, whether by the laws of inheritance, by speculations in the public funds, or by successful efforts in trade, is among the chief causes of the disorganized state of society in these kingdoms. And yet, whilst this is allowed by them, they oppose, with all their might, the making any deduction from these accumulated masses of property, for the relief of that pauperism which this same accumu-

ation of wealth has greatly tended to produce. There is not sense or consistency to be found in the arguments of those, who, sparing the rich, would leave the poor to lie as an incubus upon the really productive classes ;—upon those classes whose capital is small, who have not wherewith either to stock or till their farms to advantage, or to conduct their trade with freedom and convenience. But this objection, like the former allegation, is employed to amuse the public mind, by spacious theories which impose on the uneducated, but which have no foundation in truth, or in the realities of social life. This argument, as has been seen, if once admitted, would subvert the Gospel, and justify the destruction of human life. And when examined as to its bearing upon the employment of capital, is found as inapplicable to that subject, as it would be to the theory of the winds.

Capital, in its ordinary acceptation, consists of those savings of industry, or from any other fund which may happen to be in the hands or at the disposal of any individual. Misers and merchants generally have most capital, and though the latter class often speculate, yet both classes, when about to invest or embark capital in any loan or enter-

prise, look, in the first place, to the security of the capital itself, and in the next place, to the amount of profit to be reasonably expected from it. It is said we want capital in Ireland, and it is said so frequently and confidently, that I begin to doubt very much whether the assertion be well-founded. We certainly want capital if there was question of establishing large and extensive manufactories, or if we were about to build pyramids, or raise embankments against the encroachment of the sea ; but that we want capital to reclaim our waste lands, to improve those now in cultivation, or to give remunerating employment to all our people, is what may be the fact, but what I do not believe ; I have many reasons for believing the contrary. This, however, is certain, that there is in England and Ireland, taken conjointly, more than a sufficiency of capital, and that there need not the slightest apprehension rest upon the mind of any one, that the sums to be levied by a Poor Law, would at all operate to diminish that capital. For as we have already said, “capital consists of those savings of the fruits of industry, or accumulations from some other fund, which may happen to be in the hands or at the disposal of one or more individuals.” This capital is useless to a

nation, if it be not employed as an instrument of production; but if it be, the result is an increase of something useful to mankind—of something which adds to the supply called for by the wants or luxuries of human life. Supposing, therefore, a sufficiency of capital to exist, and that it does exist in these countries, is I think incontrovertible, would a Poor Law invite or not invite its investment in productive labour?

This question is to be considered with reference to two classes possessing capital. First, the rich and wealthy in this country and England, who have, at their disposal, large sums of money. Second, the resident land-holders or dealers who have hoarded something. Would the former class be invited or deterred by a Poor Law from investing capital in Ireland? This question may be solved by the reply to be given to this other. Will a nation covered with pauperism as with a leprosy, and thereby constantly tempted or led into acts of outrage, offer good security to the owner of capital? or can such owner expect a steady and well-paid profit from a country, in which, one-half of the population not only have no interest in the preservation of order, but who have no provision secured to them, even in cases of extreme want,

except in the benevolence of the rank next above themselves, or in the treadmill or gallows prepared for all who invade the rights of property, even when impelled thereto by the rabid bite of hunger? If a country, so situated, invite to the investment of capital, Ireland, without a Poor Rate, holds forth the strongest inducement. If the case be otherwise, then the question above proposed is answered. Then, as to the second class, or the class of minor capitalists. Will they be encouraged or deterred by a Poor Law, to speculate with the savings of their industry?

Every person well acquainted with this class, knows that they either hoard, or expend in commerce or agriculture in proportion to the degree of peace and security which prevails. In times of great distress, of civil commotion, they suspend their industrious pursuits—they change their bank notes into gold, and bury it in the earth—they are anxious and in dread, they will invest nothing, they will contract all their dealings, and expend only what urgent necessity demands. When pauperism preys on this class, and the number of starving mendicants increâses about them, they consult with each other, not on the outlay of capital, but on removing to America, and of res-

cuing the savings of their industry, which are to them as household-gods, from the enemies who encompass them on every side. If, then, a provision for the poor tended to give to every man a home and a country—if it gave shelter to the widow, and food to the orphan—if it discriminated between the vicious and the virtuous—if it said to the aged labourer, who for fifty years had risen with the sun to till the earth and enrich the world, “you shall not die of hunger in the land of your birth”—if a Poor Rate did this, it would be to Ireland like the dew of heaven—it would give peace to the heart of the poor—it would attach them to the laws—it would give them an interest in the property of which they shared, and teach them, not by word, but by works, that there was a government which had care of them, and a country which they could call their own. It would establish that peace and security which, more effectually than laws, prisons, and police, teach the small capitalist that he may embark his money in trade, or in productive labour, without fear or apprehension.

But then it will be said, “If you levy from the land-holder an assessment for the support of the poor, you diminish his savings, and his savings are his capital.”

There is great ignorance, or worse hypocrisy in this objection. For it is made by those who know that at present the support of the poor rests almost exclusively on the land-holder, and yet who do not complain for him that his savings or capital is thereby diminished. But when it is proposed to ease the land-holder, by removing from him a part of the burthen he now suffers, by placing such part upon the owner of the land, then a cry is raised, "that the capital of the land-holder is to be diminished, and productive labour narrowed." No! It is not so. The princely absentee, the unfeeling landlord, the gorged prelate, the spend-thrift, and the sensualist, may, for a moment, suffer some drawback from their excessive profits; but capital in the hands of those who really employ it as an instrument to enrich nations and render men happy, will suffer no diminution. How I wish we could induce our opponents to descend with us to the *arena* of argument, and cease to sound the unfounded alarm, "that a Poor Rate would diminish the capital of the country."

The third objection to the establishment of a Poor Rate in Ireland is the following. "A legal provision for the poor invites to idleness, and renders the poor themselves improvident."

Good God! How bewildered in useless theories must not the minds of those men be, who rest their opposition to a Poor Rate on this objection! how inattentive to that useful truth expressed by the poet, "the proper study of mankind, is man." We can open no history of any nation—we cannot investigate the origin of society in any country we cannot look round us in any town or hamlet we may inhabit, without discovering, that all civilization has its source and origin in men acquiring, or being put into the secure possession of the necessaries of life. Until men arrive at this state, they are savages, whether they inhabit the plains of Mexico, or the sands of Arabia, or the fertile fields of Europe, they are and continue destitute of all civilization: they apply not to arts, or laws, or letters, or commerce, until food and raiment are first secured to them. Not only this is true, but there is no degree of civilization to which a nation can arrive, which will not be forfeited or lost to that portion of it, if any, which by guilt, or accident, or the working of human events, have fallen from the possession of the necessaries of life. A man habitually devoured by hunger, or perishing with cold, may, if a Christian, be a saint; but abstracting from reli-

gion he is deranged, he is superstitious, improvident, reckless of life and character, and liable to be agitated by every species of passion. It is impossible to introduce him, or restore him to a state of civilization, of labour, or industry, until you provide for him the necessaries of life. When this is done, he becomes docile, attentive to instruction, capable of being directed and governed, nay, he gradually thinks of acquiring property, and advancing in the career of social existence. Is there any truth more universally admitted, than that the love of property increases with the possession of it, and that the desire of accumulating wealth is in a direct ratio with the quantity of wealth acquired? But the objection is founded on the converse of all the foregoing truths. It would, if it were true, lead us to conclude, that to excite men to labour, you have only to strip them naked, and give them no food—that to domesticate or civilize a savage, you have only to madden him with hunger—that to infuse into a man a habit of industry, and a desire of comfort and gain, it is only requisite to leave him abandoned to the wind of heaven, without house or home. Such are the absurd consequences which flow necessarily from the supposition, that a provision securing to the

poor the necessities of life, would lead them into indolence.

But what then ! Are none of the poor so vicious as to prefer subsisting on the industry of others, to earning their own bread ? Are none of them so licentious as to waste their own earnings, with a view of resorting to the parish fund in the day of their need ? Certainly ! As there are many prodigals, and many idlers, and many criminals of divers kinds belonging to each and every class of society, so that class, to which pauperism belongs as an heir-loom, abounds with profligates. But as we never complain of our social condition, or think of returning to the woods from whence we came, because there are many profligates amongst us, neither should we reason or legislate for the lowest class in the state, as if they were all infected with an incurable disease.

You may not, by making a provision for the truly helpless poor, infuse into the minds of all, those good principles which they all should adopt. But you do what depends on you. You bring all your fellow creatures within the pale of civilization ; you render them capable of receiving advice and instruction ; you subject them voluntarily to the restraint of law ; you remove the strongest incen-

tive of wild and ungovernable passion, and you acquit yourself before God of the duty he imposed on you towards your fellow man.

But why is this objection brought forward? or why are we employed in combatting an error which does not concern us? For who has thought of introducing into Ireland a system of Poor Laws, which would vest in the idler, or the drunkard, or the improvident, a right to subsistence at the public cost? Who has thought of wresting from those who would relieve the poor, the power given to them by the law of heaven, which says, "IF ANY ONE DO NOT LABOUR, LET HIM NOT EAT;" or is it to deceive the public, and to bring odium on the poor, that their advocates are charged as the abettors of a system which they abhor? But enough has been said upon this idle, this silly objection. And yet not enough, if we are to consider the value in which it appears to be held by the opponents of a Poor Rate.

In every other page of "the evidence," we find, among the leading questions, the following:—"Do not the poor, when threatened with scarcity, practise great economy in the use of their provisions, so even as to sell their pigs, and husband their resources in every possible way?" The inference sought to be

deduced from this interrogatory is, that if the poor in seasons of scarcity could look to periodical aid, they would be less careful of their own resources. This inference assumes as true, what we have just proved to be incompatible with the workings of our nature, and with the history of the human race: for it assumes that the possession of property, however small the quantity, does not urge the possessor to preserve and increase his store. It assumes that men willingly become paupers; that they use no exertion to preserve their rank, however humble in society, but freely, and of their own accord take up the badge of pauperism, and even fix the brand of it upon their offspring. It assumes still more, for it supposes that periodical aid is to be extended as a matter of course to those in Ireland, who have food to spare, and pigs to feed, whereas no such thing is contemplated.— Finally, the objection, if seriously entertained, is applicable only to such a system of Poor Laws, as would entitle every man, poor or without employment, to claim from the magistrate as a matter of right, subsistence for himself and his family. Such a system exists in England, but is not proposed by any person, whatever may be its merits, as adapted to the present state of Ireland.

It is also said, that if a Poor Law be introduced, the poor will improvidently contract marriage, hoping to discharge upon society the burthen of maintaining their offspring. There is no symptom more striking, or better ascertained of our social state, in these countries, having reached that point where luxury begins to produce corruption and decay, than the horror entertained, and the opposition given by the upper classes, to the legitimate procreation of children by the poor. This, however, is a subject on which I cannot trust myself to write. It is unspeakably wicked in the rulers of a people, to throw obstacles in the way of lawful marriage, or to drive the multitude into habits of concubinage: and the state is not only at war with heaven, but it is corrupted in its institutions, and blind in its policy, when it seeks to check the multiplication of the human kind. But if ever there was a state more culpable than another, in either making or abetting such efforts, that state is Britain: for Britain with her wealth, her shipping, and her foreign possessions or dependancies, could colonize, to an unlimited extent, and standing as she does, between the old and new worlds, seems destined by Providence to receive the overflowing population of the one, and trans-

fer that population to the other—there to enjoy the earth and the fulness thereof. But leaving this subject, which may appear not closely connected with that of which we treat, let us resume the consideration of improvident marriages, said to be encouraged by a legal provision for the poor.

Why Ireland, in which there is not, and has not been any provision for the poor, is the theatre whereon all the evils of such marriages have been exhibited ; I have seen them, and lamented over them, and dissuaded from them, and even checked them, and often did so against all my feelings and convictions. But placed as I have been without power to remove, or to alleviate the sufferings of my country, I have often been obliged to select for toleration the lesser of two, or the least of many evils ; but if Ireland, without a Poor Law, has outstripped all other nations in the number of her improvident marriages, it is by no means self-evident that a Poor Law, of its nature, tends to encourage such marriages. I have assigned them, upon more than one very solemn occasion, to a far different cause. I am sure I assigned them to their true cause. I assigned them to the squalid misery, to the close cohabitation—to the too free intercourse which extreme poverty begets. I assigned them

to that wrecklessness of life, and improvidence of all things, which grow with the wildness of passion out of utter destitution. These, and not Poor Laws, are the causes of improvident marriages. A provision for the poor would tend powerfully to check such marriages, to restore pauperism to civilization, and to bring men back to that care of *self*, to that reflection on their future state in this world, which would teach them to regulate the time and circumstances of their marriage, as well as all their other concerns.

The fourth objection to a provision being made for the poor is, "That such provision tends to narrow the exercise of charity, and to weaken not only the ties of neighbourly kindness, but even to loosen the bonds of filial and parental affection."

I could wish exceedingly it were in the power of Parliament to obtain a return of the sums expended in works of charity by those who without a smile, nay, who with much apparent godliness of manner, bring forward this objection. I have often heard and read of discussions on the subject, but I never heard this objection proceeding from the mouth of any person eminent for disinterestedness, or noted for kindness or compassion to the poor. There is indeed one splendid ex-

ception. It is Mr. O'Connell who has sometimes in his raptures on Ireland, and on the almost superhuman excellencies of the inhabitants of his native land, strayed into observations of that sort ; but they were the workings of his fancy, not the fruits of his reflection. But he is the only man ever known to me who honored God out of his substance by relieving the poor, that has presumed to vend to the public this gross hypocrisy. No ! a charitable man could not conceive a thought of this kind. Why ? because his love for the poor and his zeal for their comfort, would urge him to seek for them some better provision—some less precarious—some less demoralizing subsistence than they do or can extract by mendicancy from the generous and humane. The charitable man would be too just as well as too compassionate to entertain a thought of this kind. He would be impelled instinctively to decide within him and to express without reserve that the avaricious and the rich of this world, who turn away from the poor as from something noisome or contagious, should be obliged by a law having some other sanction than the will of God, and the rewards and punishments of a future state—to give freely and abundantly to the children of distress. He

would deem it not only an impiety against God, but a violation of distributive justice by the State, to assess benevolence, to exact from charity, and at the same time to permit wealth and gluttony and hard-heartedness to go "scot free." The truly charitable man knows by experience, that benevolence in the heart of man is like a perennial fountain whose waters never cease to flow, that it never can be dried up, that it seeks out and finds without difficulty objects of relief.—That beyond the abodes of common pauperism there may be found the dwelling places of grief, and shame, and misery, and unspeakable distress.—The widow who perishes through want, and prefers death to mendicancy—the orphan daughter well born—well educated—beautiful and young, who deliberates whether she shall surrender her life to hunger, or her virtue to sale—the respectable tradesman who has no employment—the dealer whose stock in trade is exhausted—the young man who cannot be apprenticed—the young woman for whom a few pounds would provide a settlement in life—the farmer whose stock or crop has failed, and the residue of whose property is under distraint—the mother from whom death has snatched a husband, and who, with her fatherless

children, are threatened—oh! how often has it come to pass, with ejection and ruin! The truly charitable man sees intuitively these and such like objects, always existing in every state of society, upon which benevolence may expend her treasures, and expend them the more usefully and the more extensively in proportion as it is exempted from the important cravings of the lowest classes of the poor. But the political economist who calculates so sentimentally the ingredients of social happiness and wealth, does not comprehend these things—they are not noted on his scale of improvement in the condition of the human race. He fears, good man! that the fund of our sensibilities will be exhausted, and not considering himself as bound to relieve the poor, except by calculating the amount of good nature to be found in those who are sufficiently weak and ignorant to be generous to the poor, he places their goodness of heart under the high protection of his philosophy, and laughs at the imposition which he has practised on the credulity of well-intentioned men.

Erasmus in one of his caustic essays tells us that in his time—a time of great abuse and corruption in Church and State—the Prelates of the Church left the practise of the gospel virtues to

the inferior secular clergy—these gentlemen in their turn transferred them to the monks and friars, whilst these latter personages thought they were an incumbrance fit to be borne only by the Capuchins ; but the consequence was that peoples and nations, first disgusted—then agitated, rose at length like a violent storm, and tore up as it were by the roots the whole church establishment ; when priests, friars, prelates, and capuchins, good and bad, without order or discrimination, found themselves involved in the common ruin. Had they attended to the signs given in their times ; had they even been instructed by the invectives of Erasmus ; had their corruption not repelled the salt with which he sprinkled them, they might have preserved themselves, and saved the Church from the desolation which came upon it. But no ! like the people in Noe's time, who were feasting and drinking—marrying and giving in marriage, till the flood came, so they at the period just mentioned, thought the heavens and earth might pass away, but that their pride and pomp and luxuries could not pass away. They were however undeceived ; for when the sea of the people was moved and became angry, it overwhelmed them all. So it may happen, before the present generation passes,

to those who now neglect or scoff at the distresses of the poor, or what is worse, who amuse them by delay and sophistry, and deal with them *fraudulently*; telling them in reply to the cries sent forth by hunger, “if we feed you—if we share with you the produce of the earth and of your own labour, we will dry up the sources of benevolence in the hearts of the charitable and humane!!” A poor man may bear hunger, he may suffer cold, he may endure toil, and submit to privation, but to assail him with irony, to mock his woe, and insult his understanding, is an injury which will not patiently be borne.

But the abettors of this good natured doctrine, believe, and would have us believe with them, “that not only would a provision for the poor put a stop to those kindly offices which the good and virtuous in society exercise towards each other, but would even break the bonds of filial and parental affection.” These men abet a system which is proved in evidence to send thousands prematurely out of life—the victims of famine—the prey of disease; but they are pious withal, and are anxious that no encroachment be made on that divine commandment to which is annexed the promise of “a long life upon the earth.” They

will take care that the child honour the father, that he the child may live long ; but they will, should he be reduced to poverty, leave him to the care of that Providence which feeds the sparrow on the house top. He may like the lily of the field be clothed better than Solomon, but if they see him naked they will not cover him : if he be poor and a wanderer they will not take him into their house : if he be an orphan they will not break their bread to him : nor will they wipe away the tear from the cheek of his widowed mother.

“Whatever,” said the Pharisee to his parent, “I will offer on the altar it will profit you,” and satisfying his conscience by this cruel hypocrisy, the Pharisee left his parent to die of want. Woe to the Pharisees of all times, they have their consolation here. The originals of this class relying on their absurd and impious traditions, made void the commandments of God.—The copyists of our days relying on theories, often the creatures of a heated fancy, or on the doctrines of supply and demand, violate the first duty of statesmen and transgress the precepts—no—but subvert the foundation of the whole Christian law.—Yes ! for the first duty of a statesman is to secure the necessities of life to the bulk of the people committed to

his care, and Christianity has no characteristic, unless it be that of those who profess it loving one another, and each of them doing to the other as he would have that other to do unto him. They say to the aged woman who has no child, and to the infirm father whose only son perhaps on the field of battle poured out his life-stream for his country, we will not provide for your old age nor give you shelter from distress lest we might weaken the ties of filial love ! We might indeed create relief, and so dispose it, that no son whose father could support him, and no parent whose child could maintain him would have access thereto ; but we wish to guard against remote contingencies, to prevent effectually what would never happen, to defend filial piety and parental affection against all encroachment or adversity ; that every Irish son may be pious as Eneas, and every father die like Jacob—encompassed by his children—blessing them when the few and evil days of his pilgrimage are ended—and foretelling to them the rewards which await them in the world. Oh ! egregious hypocrisy. Were the poor, unless when driven by want out of the pale of civilization, ever known to be wanting to the sacred duty of filial or parental love ? Is it not among them in every

country that this virtue has its home ? Is not their whole life an exercise of it ? Is not the offspring of a man doubly dear to him when he has not only begotten it of his loins, but nursed it on his own knee, and fed it on the labour of his own hands ? And is not the child a monster, and esteemed so by the poor, who forgets the toil of his father, and the tender anxiety of his mother ? Such monsters are rare in Ireland, even among those whose privations have overthrown all their other virtuous feelings. How often have I seen the wife or daughter sit hungry by the father's side, whilst he, resting from his labour, partook in sorrow of the scanty meal ; and how numberless are the instances where the parent abstains altogether from food, that his children may not die of want. No ! if those sacred laws which engraven on the heart impel the parent to love his offspring, and teach the child to return love for love ; if these laws require to be guarded against violation, take away entails and soften down the rights of primogeniture ; but be ye not hypocrites, seeing the mote in the eye of the poor, but not seeing the beam in your own. It is in your own class that filial love and parental affection are going fast into decay ; preserve those virtues to yourselves, but

make not the plea of preserving them to the poor, with whom they abound and will always abound, a pretext for withholding from them that relief which the Father of us all has ordained that they should receive at your hands.

The fifth objection is, "That if a provision for the poor were prescribed by law, there could not be found in the several parishes or districts in Ireland persons fit and able to carry into effect the provisions of such law."

This objection is the most specious of any we have hitherto met with. It deserves attention; it deserves to be temperately discussed. There can be no doubt, that till within these very few years, every administration of public money or business in Ireland was most corrupt. There was no faith kept with God or man by those to whom the public interests, or any portion of them, happened to be committed. From the highest tribunals to the lowest collector of excise, bribery, extortion, perjury prevailed. In all the public offices peculation and plunder was reduced to system—openly avowed and acted upon. The commissioners at the different boards were as regularly feed by those who had business to transact with them as they were paid by government.

But the government itself was the great debauchée. There was no job too gross, no proceeding so licentious, no abuse of power or patronage so glaring, to which its active agency or tacit sanction was not extended. The Church was in perfect keeping with the State, the public offices were dens of thieves, the courts of justice with their purlieus were sinks of corruption, and the grand juries throughout the country, invited by their practice and example the suitors or claimants at every court of assize in Ireland to disregard both truth and justice—to commit perjury, and to plunder or oppress their neighbour. There is no exaggeration—no high colouring in the foregoing statement. The truth of every portion of it is either already recorded in evidence reported to parliament, or could be proved by ten thousand living witnesses. This then being, till lately, the state of Ireland, and of the administration of all her public affairs, it is no wonder that men doubt whether money could be levied equitably, and expended honestly and impartially, even for the benefit of the poor. Let it however be considered, and in the first place, that until within a few years past, an exceedingly small fraction of the people of this country held exclusive possession of

the administration of public business in all its diversity and ramifications. That fraction of the people lived by their offices, pensions, sinecures, or employments ; they alone constituted society in Ireland ; they were all sharers alike in oppression, and each took his portion of the spoil produced by it. They were not ashamed of each other, for no man blushes at his own theft in a company of thieves. There was no government to exercise control. The business of government was to divide among them their ill-gotten store. There was no court to which they could be cited, for they themselves filled the bench, and composed the juries ; there was no tribunal created by public opinion to which virtue could appeal from oppression, or before which profligacy might be arraigned and convicted. No ! for there was no press but that worked by the hireling of corruption, or if another press only breathed on gilded or ermined crime, it was subdued, prosecuted, persecuted, and extinguished. But as the people of this nation multiplied, they waxed strong, they caught a glimpse of knowledge, as Moses saw the Deity, whilst it passed by, and the multitude, warmed and invigorated by it, overthrew and broke down that fortress of corruption which had held

them so long enslaved. This popular might operating upon parliament has bid a new order of things to arise in Ireland. The government is already more than half emancipated from the slavery of corruption—the courts of justice are being gradually purified; the boards and public offices are every where cleared or clearing out; speculation is now obliged to work in secret. Public monies are now accounted for; jobs, to pass current, must be highly varnished, and a decree, though not yet published, have gone forth against the evil deeds of grand juries. Nay, it is even allowed to tell the world, that the Irish Church establishment must yield to common sense and public interest; and that it is too revolting to allot the tenth of the lands and produce of the most fertile, but poorest nation in Europe, to a clergy whose followers do not amount to even a tithe of the people. There is finally a tribunal already established by public opinion in Ireland, and though it may not yet be formally recognised as the *custos morum* or *vindex injuriarum* of the country, it undoubtedly already exercises the powers and privilege of a supreme court.

This therefore being the past and present state of Ireland, with reference to the good or evil ad-

ministration of public affairs, a candid man will admit, that though at a period not very remote, no public fund was, or could be, well managed in this country, it does not follow that such fund might not in future be well disposed of. For if popular well, parliamentary inquiry, and an unshackled press, have succeeded in breaking up and subduing one of the strongest combinations ever existing in any country, would not these same powers, now augmented, and free of restraint, be able to prevent effectually the establishment of any new system of abuse? But the truth is, that if any system of relieving the poor were established, which would be based on popular election, on a short duration of power, and on unqualified publicity, it would be morally impossible that such a system could be infected with any great abuse. There never has been peculation, oppression, or waste committed in any establishment founded on the above basis. But if that be true universally, and hold good even when the funds expended are not drawn immediately from the managers of it, would it not be contrary to all reason to suppose, that men elected by the people for a short time, and acting in the presence of the multitude with a tribunal always sitting to reward or condemn them

—would it not, I say, be contrary to all reason to suppose, that men so circumstanced, would assess their neighbours and themselves with any other view than that of promoting the public good? I cannot believe it. I think it is impossible.

But then waiving that part of the objection which applies to abuse, what is to be thought of the other part of it, namely, that which supposes that men could not be found in every parish or district *competent* to raise and expend a fund for the relief of the poor? If it be allowed to me, that men, honest and disinterested could be found, I would not hesitate a moment on the subject of their competency. *It is the transacting of business which makes a man competent to transact it.* We do not know, or if we know, we do not estimate justly the intelligence diffused among the industrious classes of society. At public meetings the judicious and practical men of this class are seldom prominent, their ability is not known, because it is not called into action. Let them only be employed in matters having any resemblance to their own affairs, and they will evince a skill and an ability supposed to be beyond their sphere. In applotting the value of property, in discriminating the characters of the poor, in estimating the quan-

tity of distress, in devising the best, and cheapest, and most effectual mode of relieving it, as well as in visiting the poor, and ministering to their wants, there is no class of men would be more competent or more efficient—certainly no class more honest and impartial than that class of industrious persons who are engaged in traffic, or in the cultivation of land in I believe every part of Ireland. Let a committee of such men only be organized with certain fixed rules, and well digested instructions for their guidance, let them be assisted by the resident clergy, and such persons of rank, if any there be, as reside within the district, and I doubt not they would fulfil the trust committed to them, with as much zeal, talent and integrity as can be found in any body of men existing within the empire. The knowledge of raising funds, and expending them for the relief of the poor, is no abstract science. We need not sail to the west, or travel to the east, in order to acquire it; it is a homely work in the better part of which the middling classes are especially exercised: it is among the habits of their youth, it is one of their family traditions, it is a religious observance numbered among the first of duties prescribed to them by Almighty God. Hence it is that although I have always considered this objection as the most spe-

cious of those opposed to the introduction of Poor Laws, and have on account of its merits bestowed upon it more reflection than perhaps upon all the others, I am clearly of opinion, that even at the present moment a Poor Law would be well worked in Ireland, and that each succeeding year would more and more facilitate and purify that operation. Let us who are intellectual not arrogate too much to ourselves; intelligence is relative to the things to which it is applied almost as much as to the person in whom it resides; and there are few countries in which the common stock of it is so large or so widely diffused as in Ireland. Let not the rich and high-born exalt himself too far above his industrious neighbour, for truth, justice, charity with all her attendant virtues, have their ordinary seat, not in the extremes of society, whether high or low, but among those middling classes to whom the law should intrust both the guardianship of property, and the safety of the poor.

But to proceed. The sixth objection is, "That the abuses inherent in the English system of Poor Laws, are evidence of the inevitable mischief to arise from Poor Laws if introduced into Ireland."

It might be a sufficient reply to this objection

to state this single truth, that if it be a valid objection, it is so only against the introduction of a system of Poor Laws, the same, or similar to that now in force in England ; but as no friend to the Irish poor contemplates the introduction to Ireland of the English Poor Laws, the objection is of consequence totally inapplicable.

It is allowed on all hands, that the abuses of the English system of Poor Laws, arise, first, from the nature of the law of settlement, which imprisons the pauper within his parish, or if he leave his birth-place, renders his rights a subject of never-ending legal litigation. Second source of abuse, is the paying wages in part out of the Poor Rate, an abuse said to have arisen within the last thirty years. Third, the employment of two inapt and often conflicting jurisdictions, that of the magistrate, and that of the overseer, in providing for the poor, an abuse but partially remedied by the introduction of select vestries. Finally, many persons consider the obligation imposed by the 43d of Elizabeth, of providing employment or maintenance for the poor, as the great cause why the Poor Laws have become burthensome to certain districts of England ; for that these laws are every where deemed burthensome, few persons at

all acquainted with their operation have been bold enough to assert. Now, each and all of these abuses or causes of abuse, can, without difficulty, be avoided, in arranging a Poor Law for Ireland. Nay, it has been expressly stated by the most zealous advocates of the Irish poor, as desirable that a proof of domicile, or of industrious residence for three years in a certain district, be substituted for the English law of settlement with all its endless varieties of title. Again, it has been proposed to take away, effectually, all abuse of power by the magistrate or overseer, and to prevent the possibility of conflicting jurisdictions, by vesting the whole administration of the Poor Rate in one tribunal, and that a tribunal of the most popular kind, to wit, in a district or parochial committee, elected annually by the public, and accountable to them and to them only. Next, it has been proposed to withhold all recognition of right to relief on the part of the poor, a precaution which would at once obviate the great inconvenience attendant on the English system, prevent effectually the application of the Poor Rate to the partial payment of wages, and shut out unworthy claimants from all participation in the fund allotted to the truly distressed. If this, then, be the case,

as it truly is, where is the justice or candour of confounding the English system of Poor Laws, and all their real or supposed abuses, with a system to be adopted for Ireland? There are none, says the proverb, so deaf as those who *will* not hear, so there are none so stupid or obstinate, as those who affect not to understand. “*They do not will to understand that they might act well,*” is the description given by a prophet of those “*who rejoice when they do evil, and exult in the worst things ;*” and it is impossible not to see the application of this divine truth to those, who, whatever may be said to them in favor of the distressed, can see no means of providing for them, unless by a system assumed to be overlaid with abuse ! I say assumed to be overlaid with abuse, for I agree with Colonel Page, and with Mr. Wiggins, when, in their evidence, they refuse to censure the English system of Poor Laws, or to admit the charge so unsparingly preferred against it. I agree fully with the latter, in assigning much of the prosperity which England enjoys, much of the improvements of all kinds, but especially in agriculture, with which she abounds, to the silent and steady operation of those laws. These laws have checked luxury, have arrested

wealth in its inordinate accumulation, they have caused capital to be expended on labour and improvements in every parish in England, which capital, had it not been for these laws, would have been drained off to feed the sensualist, and swell the stream of luxury always flowing to the metropolis. To these laws England is, in a great degree, indebted for that settled and social state which the sanguinary laws enacted and executed against the poor in the early part of Elizabeth's reign, would never have produced. The people became loyal, industrious, and attached to their rulers, only when they found themselves placed within the pale of the constitution, and nourished in their distress by the law ; till then, from the day on which the monasteries, which fed and nursed them were suppressed, they were turbulent, idle, vagrant, seditious ; but no sooner was the 43d of Elizabeth enacted, and put into operation, than they resumed their former habits. Theft, mendicancy, idleness disappeared, and the poor of England became laborious, happy, and contented : the land was tilled, the fields were cleansed of weeds, the drain and hedge-row, the fence and copse were dug and planted, competition for land was unknown, because the owner and the farmer of it

had a common interest to promote, and a common burthen to support, and they dealt in good faith one with the other. The small proprietor lived upon his own land ;—upon the inheritance left him by his father, and he enriched it by the toil of those whom he should support in idleness, did he fail to provide them with work. He was amply repaid, by produce or improvement, for the outlay he had made, and he derived security and happiness from the zeal and affection of those whose labour enriched him. It is thus a state is made to flourish, not by abstract theories on the division of labour, or the imployment of capital, or on hidden modes of taxation, but by the establishment of as many common wealths as there are towns or hamlets in a nation, in each of which, the head and members are cemented by mutual dependance and common interest.

But it will be said, “ England is no longer such as you describe her, and her Poor Law system has become to her an intolerable burthen.” To which I reply ; the burthens of England have become too heavy, not in consequence of the Poor Laws, but in despite of them. These laws gave to her a security unparalleled, and a strength almost invincible ; but that strength is overborne

by her newly-created burthens, and the operations of other causes, which it is not my duty to designate ; I do indeed allow that the numbers of her labouring poor, at least in certain districts, void of manufactures, might superabound and be changed into paupers, nay, that the superabundance of them might become oppressive to agriculture, and injurious to the state. But if her statesmen did not foresee this, they were inattentive or blind ; and if seeing it, they did not provide a remedy for it, in large and extensive colonization, they were criminal. There is no problem in the whole science of number or measure, more intelligible to a wise man than that in politics, of “ how to manage the growth of a people.” He that does not know how to calculate the resources of his own country—how, in what manner, and to what extent she can support her population, is unfit to rule a people. But England, situated as she is, could feel no embarrassment on this head, for she could and should at all times keep a channel for emigration open, and widen or contract it in proportion as the multitude pressed heavily or lightly on the resources found at home. Such a system of emigration ought not to supersede a Poor Law, for a legal provision for the poor should be a fun-

damental law in every thickly peopled state ; but emigration should be ancillary to a Poor Rate, and come, when required, to the relief, not of the poor, but of the whole body of the commonwealth.

We come to the seventh objection—it is, “ That the sufferings of the Irish poor may be more beneficially and effectually relieved by the correction of abuses in the expending of the monies now raised by local taxation, and by means of those improvements which can be promoted by government, whether by aiding individual enterprise, or by setting them on foot at the public charge, and for the public advantage, than they could by a poor-rate.”

I have never heard this objection stated ; I have never heard or read of those plans of improvement which are every day, and in every place, vended to the public, that I have not felt impatient to exclaim, “ and how will your plan be rendered less effectual, by a provision being made for the impotent poor ? Will your public works be less prosperous, by your ensuring bread to the orphan, shelter to the aged, and food to the weak and the decrepid, who have no friend to support them, and no strength to labour on your public works ?” Yes, I have always felt impatient to inquire of

those politico-philanthropists—What ! “ If your specific cure the distress of Ireland, ease her poverty, and bring abundance with it to all her children, why are you averse to a legal provision for the helpless poor? Will there be found one parish or district in Ireland to come together and tax their own property, for the purpose of relieving distress, which is no where to be found? Has it been ever known,—is it consistent with any of the ordinary rules or principles of human action, that men will make sacrifices without being required to offer them? Is it not the common law of Scotland, as declared by the Lords of Session, that in that country, a country not blessed with great abundance of any thing upon which men could feed, “ there is no *pauper*, but that *the poor are rightful claimants upon a fund, of which the heritors and kirk-session are the accountable trustees,*” and yet in Scotland, until the owners of “ its *mountain, moor and marsh,*” preferred, under the guidance of political economists, cattle to men, and sheep-walks to hamlets, that most wise and beneficent law, above referred to, was but rarely brought into operation ; so that its existence opposed no impediment to the introduction and employment of capital—to private enterprise, or

to public improvement. This is a case in point, which should be disproved, before the objection to which it is applied is ever urged again. It is an admirable illustration of the truth for which I contend ; a full and practical reply to those men who grow pale at the mention of Poor Laws, and refer those who plead for a starving population to public works, which are not commenced ; and to public improvements, which only exist in hope. We say to them, let the public monies be providently expended ; let private enterprise be encouraged ; let extensive employment be provided ; let large improvements be undertaken and carried on ; let us patiently await the blessed effects you anticipate from those proceedings, and which we agree with you in hoping to be realized. But in the mean time, and whilst these things are in progress, avert famine—stop the current of disease—arrest the bitter curse—the troubled commotion—the ill-suppressed sedition of those who are maddened with hunger, and almost driven to despair. Give to us a Poor Law, it will take away no capital ; it will not raise money to be poured into the exchequer, or remitted to absentees, or expended in luxury ; no, it will be employed in producing food and raiment, and in feeding the industrious, whilst

it supports the poor. Give us a Poor Law, which will gladden the heart of the widow, be a staff to the aged, and a resting place to him who has no home—that will shelter the houseless, clothe the naked, feed the hungry, comfort the afflicted, and relieve the distressed. Give to us a Poor Law, that will put an end to vagrancy, separate the impostor from the virtuous, compel the idler to do his work, and remove from the turbulent the food of sedition. If you confide in the resources of the country, organize its population, place them in their proper classes, assign to them their respective duties, and ensure to all of them subsistence, and the protection of the law. When you will have done this, estimate their numbers and capacity; compare them with your capital and means of employment; calculate the progression of their encrease, and guard yourself against the evil of surplus population, by locating it at home, or by pointing to your colonies, and urging, when necessary, a regulated system of emigration. Do this, but do not offend against morality, public interest, and common sense, by adjourning the relief of the poor, who are dying of want, to the “Greek kalends,” or to those improvements, which are the work of time;—improvements, which will never

even keep pace with the progress of pauperism, if you leave the mass of the people unhinged and dislocated,—expelled from the pale of civilization, and deprived alike of the means and the inclination of improving their own condition.

But the naked truth is this, that the generality of those (for there are many and honorable exceptions) who would supersede the wants of the poor, and refer the dying pauper to that manna, which public improvement is to bring down, as it were, from heaven. Are men who have no bowels of compassion, who will not avow what they fear, *to wit*, that the burthen of supporting the poor should be equally divided. They are men who calculate human labour, and human life, as they do bales of cotton and quarters of wheat; who look upon the labouring classes as articles of merchandize, or machines for creating wealth, and who would calculate on the extinction by hunger of a surplus population, as the house-wife calculates the lives of bees to be smothered for their honey, when their work is done—preserving only so many stocks, as will be necessary to yield to her a similar increase on the coming year. These men say to us, “our object is the public good; we look only to the public happiness,” whilst, in fact and truth, *our*

object is to secure forthwith a provision for the poor, *theirs* to leave these poor to live on hopes that may never be realized; certainly not until millions are extinguished by famine.

Labour, capital, enterprise, improvement, progressed in England and Scotland, under the protection of Poor Laws, and why, in the name of heaven, might they not co-exist in Ireland? Who will undertake to prove that the well-ordering of a people, and a provision for the helpless poor, are incompatible with the undertaking, and carrying on of public or private works for the improvement of a country? But we have expended our attention uselessly upon this frivolous objection.

That which next occurs is, "That Ireland is at present in a state of transition, as England and Scotland were at former periods, and therefore she will, like these countries, work out of her present state of suffering, to a state of comfort or affluence."

One of the theorems of political economy is, that when the supply of any commodity, suppose of labour, exceeds the demand for it, the price of that commodity will fall, and the capital or skill employed in producing it will seek new channels, wherein an increased price and profit may be ob-

tained. Thus, when agriculture happens to be overstocked with labour, or when labour no longer finds profitable employment in the cultivation of land, it will seek that employment in manufactures, and *vice versa* ; but as those who have been brought up in manufactories are incapable of becoming good husbandmen, and as agricultural labourers are unfit for the exercise of hand-craft or mechanical industry, there must be great privation and distress prevailing, during the period when the industrious class of a country are thus adjusting their skill and labour, to the new pursuits to which they are invited or compelled. This period is called a period of "transition," or the country in which men are thus, at certain times, changing their industrious pursuits, is said to be in "a state of transition." The political economists tell us, that in the natural progress of society, men are first engaged in agriculture, having few or no manufactories, but as society advances, as population increases, as property accumulates, and new wants arise, a portion of the industrious classes betake themselves to domestic manufacture, combining the coarser arts with the culture of land. By degrees this system ceases, as less profitable to the community, and is succeeded by

a complete division of labour, which assigns one portion of it exclusively to manufacturing purposes, another to the tillage of land. In this state of things capital, knowledge, skill, industry, advance rapidly. Trade internally and externally extends itself, new inventions and discoveries are made, riches and luxury are diffused, large profits exhibit themselves in new and enormous acquisitions, and society appears to have arrived at the achme of perfection. The economists do not proceed further with their theory, nor tell us that this golden age is destined to continue, or whether it has within it the seeds of decay ; but it appears that Providence has decreed that until the arrival of the *millennium*, nothing is lasting under the sun. In the happy state of society above-mentioned, the accumulation of large masses of property, in the hands of a few, enables those few to bear down all competition,—the extensive farmer, with portionate capital, can cultivate land cheaper and better than the small and poorer holders of it ; he will, therefore, thirst for land, it being profitable to him, and being the more solvent tenant, he will, in every case, be preferred : so the large manufacturer by his skill, capital, and machinery, can undersell, and thereby destroy his more weak com-

petitor ; thus inordinate wealth accumulating on the one hand, and extreme poverty advancing on the other, necessarily beget—first, jealousy, then envy, then strife, and to these will as certainly succeed that convulsion of society, which, denominated revolution, is, in reality, a dissolution of it into its original elements, when men were all equal, and when property and social laws had no fixed or settled existence. This is like the babel of the Scripture, in building which men were of only one tongue, but as they ascended towards the heavens, and would become like gods, they were confounded in the midst of their labours ; no man understood his neighbour, their work was demolished, and they themselves dispersed—the princes alike and the people, throughout the whole earth.

I would therefore adopt a sumptuary law, or a law of *ostracism*, or if not those laws, I would surely seek for a Poor Law, if for no other purpose, to check the progress of society on its “road to ruin.” So that admitting Ireland to be in a state of transition, such as that in which Great Britain has been, I contend it would be good policy to adopt in that precise crisis a law which would operate as a check on the law of entail, as a check on the accumulation of property into large

masses, as a check on the luxury and corruption of the rich, as a check on that discontent and excitement of the poor which produced by poverty, generates in its turn all the bad passions, whose seeds, though sometimes dormant, are always brooding in the heart.

But in my opinion, the whole doctrine regarding the *transition* of society, is misapplied in the case of Ireland. She is in a state of transition, but a transition not from agriculture to trade or manufactures, such as was the transition of England, but she is passing, and rapidly, from wretchedness to ruin. Her staple, I mean that labour which is the only saleable commodity in the hands of her overflowing population, is not only in a state of ruinous depression, but it can find no sale; able-bodied men carry it to the marketplace, and meet with no customer—with no demand. When this was the case in England, there was co-existing with it a great and rich commercial community, a domestic legislature, a paternal or at least a patriotic government; there was a great foreign trade, a passion for planting colonies, wars which consumed a portion of the people, and a whole code of laws devised and adapted to cherish and protect internal commerce, and infant

manufactures. England had no absentees, no enormous debt, no oppressive taxation. She had no *sister island* whose wealth, capital, soil, minerals, established trade, and dependancies, whose unrivalled skill and industry shut out from her all hope of competition. She was not a province without a court, or a legislature to attract the great, encourage the enterprising, and reward the successful. Her situation was the very converse of that of Ireland, and the man is indeed short-sighted who imagines that because England passed from distress to opulence, Ireland can run the same career. No, it is quite, it is totally impossible. Ireland may pass, as Israel did out of Egypt, into “a desert trackless and without water;” but unless manna or quails be sent to her from heaven, the bones of her children will be bleached in the desert, and a land flowing with milk and honey will be to her a *terra incognita*, “an unknown land.” Is to be supposed, that whilst I deny the rule of “transition” is applicable to Ireland, and whilst I assert the total inability of the poor of this country to subsist by their own labour, unaided by the state, that I deny what is called “the improvement of Ireland.” No, far be it from me to deny here what elsewhere I have not

only admitted, but asserted. But what is called “the improvement of Ireland,” is a phrase most grievously, and often, I fear, intentionally misapplied. Many who use it, and appeal to it as against the poor, would have the public to believe it signifies, that the condition of all the Irish people is improved, than which nothing is more untrue.

THE CONDITION OF NINETEEN TWENTIETHS OF THE IRISH PEOPLE IS NOT IMPROVED, BUT DETERIORATED. Lands are better tilled, the quality of agricultural produce is improved, exports are increased, a larger revenue is collected, the intercourse with England is enlarged, the prices of all our produce is enhanced, absentees are increased in numbers and wealth, rents and tithes have advanced from *one hundred to five hundred per cent. on those paid at the commencement of the French revolution*; but what does all this mean, unless that a transition has already taken place—that is a transition of all the profits of land and industry to the hands of a few, and a transition of the farming and laborious class from a state of comparative comfort to a state of unprecedented embarrassment or distress.

The improvement of Ireland consists in an im-

proved revenue, in improved rent-rolls, in an increase of tithes and church rates ; but in the profits of the farmer—in the wealth or comforts of the middling classes, I totally deny that any real improvement has taken place. Wheresoever it appears, it is only superficial or accidental, bearing no proportion to the general advancement of society in these latter years, whilst pauperism, like a plague, has increased and multiplied its victims—has seized on all the extremities of our social body, and is advancing rapidly through all its members, even to the very heart. There is no escaping its grasp, unless by a provision for the poor, by an honest application of the *public means* to the public wants, and when that is done, by applying all surplus labour to internal improvement, and directing the excess of our population, if such be found to exist, to that new country, and those new homes, which Providence has prepared for them beyond the seas. This solution of our difficulties is at least intelligible ; I think it is still practicable ; only a little time, and even this will be no longer in our hand. Let men therefore take care that whilst they endeavour to amuse a hungry people with theorems on the “transition” of society, they may not find that

people ungovernable, society dislocated, and the princes, the priests, and the people themselves, all involved in one common ruin.

We have at length arrived to the last, and perhaps the most important objection to the making a legal provision for the poor. It is, "That the poor have no claim founded on justice to a provision being made for them, at the expense of the rich, or of those possessed of property."

For the last ten years, I have been frequently urged by my feelings to discuss in public the rights of the poor; but I was, and still am, withheld from doing so, at any length, by a reasonable dread, that if these rights were known to the mass of the people labouring under privations often insupportable, such knowledge would be misapplied, and that men taught to distinguish between moral and legal rights, might be led to violate the latter at any hazard, when freed from the apprehension of offending against the former. I thought it wise to parley, as it were, with error and abuse, to appeal to public policy, to the interest and duty of the government, directing at the same time the minds of the people to the power which impended over them, to the sources of hope which were discoverable, but above all to

those principles of the Christian religion which lead its followers to derive good from evil, and to convert the trials of this life into means of sanctification in the next. But how must my patience have been tried, and my indignation moved, when I find it asserted broadly, and unblushingly, and in the midst of the gospel light—that a man may be let to perish of hunger, without any violation of justice? This impious doctrine, not only subverts the Gospel, whose foundation is “to love God above all, and our neighbour, be he Jew or Samaritan, even as ourselves, and to do to him in all things as we would have him to do to us,” but it goes farther. Having subverted the foundation upon which the whole law, the prophets, and the Gospel depend, it assails that other law, which, to use the description given of it by Cicero, is “not written but born with us, which we have not learned nor read, nor received from others, but which we have drawn forth, and brought with us, and, as it were, extracted with our being from the very womb of nature,” “*Lex non scripta sed nata, quam non didicimus, legimus, accepimus; sed ex ipsa natura hausimus, expressimus, arripuimus, ad quam non docti sed facti sumus.*” This doctrine not only excludes from the volume of

truth in which social duties are recorded, that sublime maxim of Christ, that God is the great *pater familias*—the Father of the human family, who confides all the goods of this earth to stewards, to be distributed by them to every member of the household, under the responsibility of rendering one day their accounts to the Lord of all, and receiving eternal life as the reward of their fidelity, or eternal punishment as the penalty of either their injustice or neglect. Yes, this doctrine not only supersedes the above maxim of our common Saviour, but it belies that cry of reason, which hitherto heard in every clime and every country under the sun, proclaims that he who having the means of saving a fellow creature, yet suffers him to perish of want, is by the very fact or omission, guilty of his blood—“*si non paravisti occidisti.*”

But upon what species of sophistry, it may be asked, is this impious doctrine founded?

I can scarcely any where discover an argument for its support: if, with Job, we interrogate hell and death, they may answer, “we have heard the report of it;” but the substance of it is no where to be found. The political economists, occupied with abstractions, find no place for moral proofs;

they are satisfied to tell us that surplus population, or an excess of labour in the public market, is an evil that ought to be got rid of; but the rights of this excessive population, or the duties of the state, or of individuals to have care of the life and well-being of that surplus population, is an affair too low or vulgar to be admitted within the pale of their profound speculations. They may teach how men may be produced in greater numbers, or how their increase may be checked, but to treat of the moral obligation to maintain them, when there happens to be a surplus of them, is not within the sphere of their lucubrations. If urged on this point they may, perhaps, tell us, that if a man by inheritance or industry acquire property, it is so much his own, that to subject it to a charge for the support of any one is unjust, and cannot be distinguished from spoliation.

These men remind me of an exclamation to the gods, *eripite nos ex servitute*, reported by Cicero in his *Paradoxa*, of L. Crassus, as illustrative of the slavery to which ambition, avarice, or fear, reduces men. These persons with whom we contend are enslaved by avarice, or an excessive love of property, which St. Paul, inspired from a higher source with a sentiment like to that of Crassus,

calls "a service of idols," the worst species of slavery. Being enslaved, they become blind, and cannot see either the necessary consequences of their own opinions, or those rights of the poor to which these opinions are opposed. They neither exclaim with Crassus, "rescue us from this slavery," nor attend to the Apostle instructing Timothy to "charge the rich of this world not to be high-minded, nor to trust in the uncertainty of riches, but in the living God (who giveth us abundantly all things to enjoy.) To do good, to be rich in good works, to give easily, to communicate to others, to lay up in store for themselves a good foundation against the time to come, that they may lay hold on the true life."

But then let us examine the argument above adduced, and see whether it affords any justification of the anti-christian and unnatural doctrine, which would acquit the holder of property of murder, should he suffer a poor man, whom he could relieve, to die of want.

What is the right of property, and whence is it derived? both will appear by pointing to its origin.

The earth and all its fulness, together with the fishes of the sea and the fowls of the air, were consigned by the Creator, in common to whatever

of the human race first existed. This truth needs no proof; it is clearly asserted in Revelation, and is equally deducible by reason from the nature of man, and of the rest of whatever inhabits our earth; property is then an acquisition by labour or conquest of a portion of the common stock, to the private use or enjoyment of one or more individuals. These individuals thus possessed of property, combined to form society, and to enact by despotic power, or paternal authority, or common consent, rules or laws whereby all their interests, and among those interests, the possession or transmission of property, would be regulated and secured. In society when thus formed, the first and chiefest concern should be religion, whereby the supreme dominion of God would be recognised, and due worship given to him. The next should be the preservation of the society itself, against external violence or internal treason. The next the preservation of life, with all its necessities to each individual of the commonwealth, to which must necessarily be attached such regulations of police, as would reward the good, and punish the idle and vicious by the infliction of penalties proportioned to their offences or crimes. Next to the existence of the state and the lives of

its subjects, laws should be made to protect or avenge the honor or character of both, for honor and character, next to existence, are held most dear. Then and only then the possession, the transfer, and transmission of property become the subject matter of the laws, so that life is the first and most precious of human possessions, fame or character is the next, and property in goods is the third and last in order. These several objects of social or civil laws, are not of equal value or estimation, nor can they be interchanged or exchanged one for the other. On these great principles all the laws of war, conquest, slavery, alliance, trade, will be found to depend. In fact all international law, and all civil or municipal constitutions are founded on these principles, and are just or unjust, so far as they are, or are not, reducible to them. It is always a sin against God, whose will is, "that order be preserved, and be not disturbed" to violate any rule of these several classes of laws, so long as the observance of such rule or particular law is conducive to the public good, or not opposed to good morals, or the well-being of the state, or of the major part of the society to which such rule or law belongs. If these laws, however, happened to come into collision one with

the other, but above all, if the law which regulates the lesser good of society, suppose *property*, could not be observed without the sacrifice of the greatest good, which is *life*, then the law of property should yield, and that which regards the preservation of life should be observed. The application of these principles is clear and easy. If a state, for example, require provisions to sustain a siege, upon the issue of which the existence of the state itself depends, it must disregard, if necessary, all laws of property, and provide at the expense of them for its own safety. So, if a man want bread to sustain his life, he is bound to give in exchange for it any other property he may possess, or to hire out for that purpose his labour, or whatever he can sell, except his liberty or virtue ; but should he have nothing to dispose of, or find no person to give him food in exchange for his goods or labour, he is to apply for subsistence to the head of the state, to whom the care of the whole community is confided, or to the magistrate or other person to whom is entrusted the administration of the laws. Should his application be unsuccessful, and his life be about to perish of hunger But we can pursue this subject no further.

But it will be objected, that the recognition of

this indefeasible right, on the part of every man exposed to extreme want, will encourage idleness, and provide for the dissolute at the expense of the industrious and good, to which objection the answer is obvious, “to wit, that it is the duty of the state not only to secure the lives of its subjects against the pressure of extreme want, but also to have such a code of municipal law, and such a preventive or correctional police as will effectually punish idleness and correct vice ; but it is not to be inferred, that a state which neglects this latter duty is, on account of its own negligence or abuse, entitled to violate its first obligation towards its subjects, which is to secure their lives against the pressure of extreme want.

This order then, which the Author of our being has ordained, and which our reason, without difficulty discovers, establishes a wide distinction between those things which are the subject matter of all human legislation ; and though some individuals, blinded by ambition, avarice, or fear, may put the laws of property in competition with those of life, human nature will always vindicate her own rights, and confound those who would disturb that harmony which prefers life and even honor to property, and so preserves the order and beauty of the moral world.

If, then, the right of every individual to preserve life, (a right which he never did or could abdicate,) be incontestable ; if no man can deny this right, neither can any man deny that the governing power in a state is entitled and obliged to provide, in one shape or other, for the preservation of the lives of its subjects, whereas, if it neglect to do so, it must either punish, as crimes, what in reality are not offences against the laws of nature, or it must permit what are called theft, robbery, violence, and even bloodshed, when these happen to be committed by its subjects, driven to the committal of them by extreme want. As to the manner in which a state may secure subsistence for its indigent subjects, or rather for such of them as cannot possibly sustain themselves, that is a question left to the wisdom or discretion of the ruling powers ; it may be done by a distribution of land at home, or by colonization abroad ; by a Church establishment, or other corporations entrusted with funds for the maintenance of the poor ; by an assessment on property, or by the establishment of alms-houses ; but whilst the mode of executing this duty is discretionary with the state, the fulfilment of the duty itself, is of the most strict and rigorous obligation. No theories on political

economy, a most useful science, but one as yet not fully understood, nor rightly applied, can supersede this obligation on the part of a government, whether Christian or Infidel; nor can any person assert with truth, that property, however sacred its nature may be supposed, can be protected against such claims as may be made upon it by the state, for the preservation of the life of the meanest or most worthless of its subjects.

But if a state be found which neglects its duty, so as to postpone the preservation of life to the security of property; should a state be found, which not only does this, but leaves a multitude of its subjects to die of hunger; what is the duty in such a state of those members of the community who hold property at a time when extreme want presses on some portion of their fellow-subjects? Are these proprietors justified in imitating the conduct of government; and can they look on their brethren, dying of want, and be guiltless of their blood? Most certainly not, and the reason is this. That all men are bound to concur in preserving the order established by God, and as this order requires that life be preferred to every other earthly good, he who sees a man perish whom he could save by a sacrifice of property, fails to pre-

serve, so far as in him lies, that order in the universe which God established. In other words, he is guilty of the loss of that life which he could have preserved at the expense of a portion of his property. Nor can the example of the state or government justify him, for as no man is justified in doing wrong, by imitating others, neither can a member of any community be justified by the wrong doing of the other members, or of that power or government which represents them.

All consideration of religion is excluded from the foregoing argument, because there may be persons who admit that an obligation of preserving the lives of our brethren in want, at the sacrifice of our goods, arises from the precept of Christian charity; but deny, or rather do not comprehend, how such an obligation can arise from justice, or from the immutable laws of HIM who is the fountain of all justice.

These persons, however, should know that the Blessed Author of our religion, in establishing his code of mercy or mutual love, including a communication of property and good offices, did not annul or supersede any one of those eternal rules upon which justice is founded. What he did was to take the laws of distributive justice, always

existing, but seldom observed, and to raise them to the dignity and sanctity of laws of charity. He explained, and urged us to fulfil, what in justice we owe to each other. He called the fulfilment of those duties by the tender name of charity, or mercy to the poor, and annexed to the performance of them, the rewards of eternal life. Not an iota or a single point did he take away from the law of justice; but he invited to the fulfilment of its duties, by the most pathetic exhortations, and the most solid and lasting rewards. What, therefore, we are bound in charity to perform, we are also generally obliged in justice to fulfil, and the degree or rigour of the obligation is measured more by the urgency of our brother's distress, and by our means of relieving it, than by the quality of the virtue which enjoins its fulfilment.

The admirable doctrine of our Saviour—a doctrine worthy of a God made man, who came into the world that the world might be saved by him, was then rightly understood by Christian states, when they sanctioned the setting apart a portion of the goods of the community for the maintenance of the poor, and entrusted the dispensation of those goods to a class of men, who, divested of other cares, might be the faithful almoners of the

state. It was truly in the spirit of Christ that men, whose characters were holy, and whose affections in this world were not divided, should be appointed to feed the hungry, and clothe the naked, and console the afflicted ; but the charity of the Christian world has waxed cold, and not only did the trustees of the poor often become their despoilers, but rapine and sacrilege have stretched their hand to the fund itself of the widow, and to the patrimony of the orphan. In this country there is a crying sin—there is a loud complaint going up daily to heaven, that the property of the poor is held captive in injustice ; that their rights are withheld ; that their title is known and recognised by all, save those who could enforce it for them ; that they daily die of want, whilst their expiring glance rests on the gorgeous, the ungodly display of ecclesiastical pride and pomp ; whilst their last sigh can scarcely fail to bring down a heavy curse on that wealth which was left for their support, but which so cruelly and so long has been wrested and withheld from them.

As I intend, however, to lay before the public, in the sequel of these observations, a sketch of the origin, nature, and destination of Church Property as it existed in the several ages of the Gospel dis-

pensation, I will not now proceed with it, but return to the subject from which I have digressed.

To resume. If the order established by God in this world be, that the poor should be supported, what is the duty of those who are still desirous of adhering to that divinely established order? Are they, ought they, I would ask, to assent by word or deed to such derangement of this order as we now witness? and is it wise, or consistent with the public good, to urge, by all the powers of language, and by strong appeals to the feelings of the heart, that the benevolent, the humane, the charitable, should undertake, exclusively, the burthen of supporting the poor? Is it just to leave the rich, the avaricious, the proud, the powerful, the makers and executors of the laws, to enjoy an exemption from such burthen? and even to allow them to stifle the feelings of remorse or shame excited in them by the condition of the poor, by saying to themselves, "Voluntary contributions, or the alms of the simple, or the charity of their own class will support them; I need not inquire about or embarrass myself with their condition"?

I have often pleaded for the indigent; I have sometimes wept over their distress; I never hesitated on my own account to share with them my

scanty pittance ; but I confess, that I have not, to my recollection, solicited in their behalf the goods or money of the industrious classes, without feelings of indignation, mingled with remorse. Were all the men of Ireland of my way of thinking, they would, in ordinary times, have no charity sermons, no houses or institutions supported by the voluntary gifts of the industrious ; but in place of these, in lieu of extorting by sermons, and collections, and never-ending appeals to the precepts of the Gospel, money from those who cannot afford to bestow it, and from whom it is little short of injustice to receive it, they would assail the legislature by constant petitions, and the government by strong remonstrance on behalf of the poor. They would insist with the Apostle, “*that some should not be eased and others burthened, but that there might be an equality.*” They would teach the poor themselves to abstain from violence, and be submissive to the law ; but also tell them, that they had higher claims to relief than those arising from the exhibition of their distress. But above all, they would proclaim from the house-top, in the hearing of the rich and of the poor, of the princes and of the people, that Church Property was held in trust ; that it was bequeathed by our

ancestors in part, and principally for the education and maintenance of the poor, and that so long as the state withheld it from them, the people should not seek for rest, nor the government enjoy repose.

But I have done with the objections made to the establishment of a legal provision for the destitute poor of Ireland ; and I proceed to set forth, with all possible brevity, some account of the origin, nature, and destination of Church Property—or rather of the property confided in trust to the administration of the clergy, in the different ages of the Christian Church.

I am led to treat of this subject by the following question, proposed to a reverend gentleman, who gave evidence before the Committee on the state of the Irish poor.

“ Question 6261. Are not there traces at present existing in Ireland of the former division of tithe property, which was allotted in four parts, as a means of maintenance for the poor ? ”

The witness appears, by his several answers, to be totally unacquainted with the subject ; it was, however, pursued for some time in the Committee—question 6266 being as follows.

Ware, in his Bishops says, “ The *quarta pars*

“ *episcopalis*, was originally that portion of oblation, which, before the institution of parishes, were reserved to the bishop for his maintenance : the other three parts being employed for the support of his inferior clergy, the repairing the fabrics of the churches, and the sustenance of the poor. When the bishops were endowed with lands, they did tacitly recede from their *quarta pars*, and were afterwards by canon forbid to demand it, if they could live without it.” Can you refer us to that canon? Answer. “ I do not remember it. I believe it to be amongst the canons of the earlier ages, and not now numbered among ours.” Thus far the evidence proceeds.

It was of little consequence to the committee to ascertain by what special canon the bishops claim to the *quarta pars* was restrained : the end of the inquiry must have been to elicit information on the nature and destination of church property. Such information could scarcely be expected from a clergyman of the Established Church, especially from one whose studies were not occupied with ecclesiastical antiquities or laws. I am differently circumstanced ; I am, in some way, connected with those old canons ; they have long been familiar to me ; they form a large portion of

that history of the human race, from which much wisdom may be learned; they are the index of the growth, maturity, and decay or ruin of institutions which once filled the places now occupied by other powers. Such of those canons as relate to Church Property, have produced both good and evil; but to a dispassionate mind, reviewing the history of Church and State from the period of their union, it is impossible to remove the conviction, that rich benefices, and especially tithes, have been the bane of religion;—that they were more hostile to Christianity, and more mischievous to the Church, than the darkness of paganism or the sword of the infidel. To the wealth of churchmen—to the pride, and indolence, and luxury, and simony, and ambition, which that wealth engendered, may be traced the decay of learning and piety—the corruption of morals, the scandals of Popes and Princes, their broils and contentions;—the factions, the divisions, the schisms, the heresies which desolated the Church; as also many of those wars, which unceasingly throughout Europe, exhibited a Christian people, having their hands reeking with each other's blood. Every departure from the spirit of the Gospel, has brought woes unnumbered to the Church. This

spirit long contended against tithes and church-rates, nor could it be entirely subdued. When a thirst of gain and of worldly wealth devised the tithe-system, Christianity qualified the impost, and claimed successfully for the fabrics of the Churches, and for the education and sustenance of the poor, a moiety of what was extracted in the name of religion from the gifts of nature, and the industry of man. If the Spirit of Christ could not exclude enormous wealth from the sanctuary, it secured to his indigent members a participation in the spoil, and the same law which enforced by excommunication the payment of tithe to the priest, commanded that priest to dispense with his own hands, in mercy and humility, their own portion to the poor.

That law of Charlemagne, which, for the first time in the Christian world, ordered that tithes should be levied by distress of goods, provided also, that next to the bishop's maintenance, did his wants require it, the orphan should be fed, the widow comforted, and the stranger taken in.—Thus the Spirit of Christianity, checked or controuled the passions of men, and maintained, as it were in despite of them, the rights of the poor. But even with this alloy, the tithe system, and its

appendages, had nearly worked the ruin of religion, when in the sixteenth century, that revolution which had been long preparing in the minds of men, and which is not yet completed, burst forth like a torrent, and desolated, and is still desolating churches and states.

I abstain purposely from a review of this revolution, as it affected these countries. I shall only observe, that the result of various conflicts was to leave England and Ireland subject to the monstrous tithe-system, unalloyed and unmitigated by any one of those redeeming qualities, which, up to the sixteenth century, had commended it to the toleration of the people.

In this state it now stands in England and Ireland, all earthly, having no connexion with the Gospel of God. The churches are not built or preserved, or repaired, or supplied with necessities by it. The poor are not instructed, or cherished, or supported by it, and the clergy, to whom it has been assigned, neither perform church offices, or administer the Sacraments, or preach the Gospel to the poor in return for it,—because in England the majority of the people are Dissenters, and in Ireland, strange and unheard-of condition of human things! the Established Clergy in many

places are called pastors, but have no flocks at all —no not even one!

And now that the committee on Irish distress have directed their thoughts and inquiries to this subject, it is just to satisfy such inquiries; not that such a system calls for inquiry, its demerits are gross and palpable; but, as in the case of the Synagogue, that it may be buried with honor. For this purpose, then, I shall proceed to inquire into the origin, nature, and destination of Church Property. My inquiry must be brief to suit my present purpose. It will indicate, rather than discuss an extensive, and still important subject. Should I have leisure, and think it useful, I may, at no distant period, resume the consideration of Church Property, with the civil and ecclesiastical laws relating to it. Should I do so, many thoughts which at present I can scarcely allow to escape me, will be stated at length, and those laws which at present I can only allude to, will be exhibited in full view, as pillars in the mighty edifice which they had so long sustained. In the mean time I bespeak the candour, even more than the attention of my readers. I am a churchman, but I am unacquainted with avarice, and I feel no worldly ambition. I am, perhaps, attached to my profes-

sion, but I love Christianity more than its earthly appendages. I am a Catholic from the fullest conviction, but few will accuse me of bigotry. I am an Irishman hating injustice, and abhorring with my whole soul the oppression of my country ; but I desire to heal her sores, not to aggravate her sufferings. In decrying, as I do, the tithe system, and the whole Church Establishment in Ireland, I am actuated by no dislike to the respectable body of men, who, in the midst of fear and hatred, gather its spoils ; on the contrary, I esteem those men, notwithstanding their past, and, perhaps, still existing hostility to the religious and civil rights of their fellow-subjects and countrymen ; I even lament the painful position in which they are placed. What I aspire to is the freedom of the people ; what I most ardently desire is their union, which can never be effected till injustice, or the oppression of the many by the few, is taken away. And as to religion, what I wish, is to see her freed from the slavery of the state, and the bondage of mammon—to see her restored to that liberty, with which Christ hath made her free.—Her ministers labouring and receiving their hire from those for whom they labour—these latter assisted, if necessary by the state ;—serving the altar, and living by it, dispensing spiritual things, *gratis*, as

they received them, and partaking in return of the gifts of their flocks ; that thus religion may be restored to her empire, which is not of this world, and men once more worship God in spirit and in truth.

I believe the right of the ministers of religion to receive a competent support from those for whom they officiate, is not questioned by any person. This right appears to be founded on one of those great natural laws, whose operation is discoverable in all places, and at all times, when and where-soever men have agreed to live together. Pagan nations every where had their temples and priesthood, and assigned, for their support, lands or offerings, or both. In the Mosaic dispensation, an ample provision was made for the priests and levites, which alone should convince every true believer, that “ he who serves the altar should live by the altar.”

The origin and practise of this law in the Christian dispensation, are ascertained by a reference to the words and example of our Redeemer, and his Disciples. When he first sent forth his disciples to announce his Gospel, he commanded them, Mat. x. 10, not to possess gold or silver, or two coats, because he who labours, deserves to be supported. He tells them to remain in the

house wherein they enter, eating and drinking of what they have, because saith he, "the labourer is worthy of his hire." When he the Son of God himself, accompanied by his disciples, went about preaching the kingdom of heaven, he was followed by many holy women, who ministered to him out of their substance, Luke viii. 3. It even appears that the alms bestowed on him were reserved for a future day, for it is written, John xii. 16, that the traitor Judas, "having the purse, carried what was put therein," and hence arose the supposition of the other Apostles, when the Saviour said to Judas after the last supper, "what thou dost do quickly," that he was desired, as having the purse, "to buy what was wanted for the festival day," or to give something to the poor, John, xiii. 29. The hospitality exercised by the first believers, or their voluntary offerings, were, it thus appears, the means of support selected by the AUTHOR and FINISHER of our faith, for himself and his disciples. After his ascension into heaven, we find, Acts ii. 45, that the primitive Christians had a community of goods, and out of the common stock "there was distributed to each, as each one had need." The history of Ananias and Saphira, related in Acts iv. 21, 23, as also the speech of Peter on the election of deacons, chap. 6, show the place

which the ministers of the Church held in what regarded the distribution or application of the temporal goods intrusted to them. It is not, however, from these facts that the discipline of the primitive Church, as to the maintenance of her ministers is to be learned, but rather from the Epistles of St. Paul. He, 1 Cor. ix. proves from the law of nature, from that of Moses, and from the express words of Jesus Christ himself, that the faithful are bound to support those who preach the Gospel, or serve the altar. "Who," he asks, "serveth as a soldier, at any time, at his own charges? Who planteth a vineyard, and eateth not of the fruit thereof? Who feedeth a flock, and eateth not of the milk of the flock? Doth not the law also say these things. For it is written in the law of Moses: thou shalt not muzzle the mouth of the ox that treadeth out the corn. If we have sown unto you spiritual things, is it a great matter if we reap your carnal things? Know you not that they who work in the holy place, eat the things that are of the holy place, and they that serve the altar, partake with the altar. So, also, the Lord ordained that they who preach the Gospel should live by the Gospel."

The Apostle having fixed, as it were, on a firm

basis, the right of the clergy to a competent support, exhorts, in the strongest language, the faithful to communicate freely of their goods to such of the brethren as happened to be in want, and also exhibits himself and his fellow-labourers, as agents in those works of charity, performed at his suggestion. His letter to the Galatians, those to the Corinthians, to Timothy, to the Philippians, prove this so fully and satisfactorily, that a general reference to those epistles is deemed sufficient. So the apostolic times themselves make manifest. 1st, That the ministers of religion have an inalienable right to a suitable maintenance; 2nd, That the faithful provided such maintenance by voluntary donations; 3rd, That the ministers of religion were the depositories, or agents, to whom the alms bestowed for the relief of the indigent brethren were confided.

It next remains for us to ascertain what was the nature of the provision, or rather of what species of offerings or free gifts that provision consisted, in the first ages, or up to the time of the EMPEROR CONSTANTINE. On this point the letters and sermons of St. Cyprian, bishop of Carthage, and the writings of Tertullian, especially his "Apologies," furnish very ample details. The former tells us,

that at the celebration of the holy mysteries, offerings of bread and wine were made by the faithful upon the altar, and contributions in money also given, from which the clergy, the widows and orphans, were relieved or supported. Tertullian enters into a more minute detail; stating that persons were elected to preside over, and take charge of these donations. These persons, on a certain day in each month, received the voluntary offerings of the faithful, or, as he calls them, the “deposits of piety, to be “expended,” he continues, “not in feastings and drinking, or ungrateful dissipation, but in feeding the hungry, in burying the dead, and providing for male and female orphans; for the decrepid through age, for those suffering from shipwreck, or working in the mines, or who were imprisoned, or subjected to loss for professing the faith.”

We know from the 19th canon of the synod of Elvira of Spain, that during a portion of this period some of the clergy, and even bishops were engaged in traffic, and that others of them, not content with the ordinary means of support, or not finding it sufficient, went through the province in *quest* of gain. The council prohibits those practices, and what is somewhat singular, it even con-

demns, in its 48th canon, the accepting at the time of baptism, such voluntary offerings as might then be made, least any thing sacred might seem to be sold. In fine, St. Cyprian, L. 1, Ep. 9, sums up in a few words, the whole subject of which we treat, saying, "as the priests and levites of the Old Testament received tithes from the eleven tribes, that they might devote themselves without interruption to the service of the altar, so the clergy receive at present their support, (of gifts and offerings) that they may not be implicated in worldly concerns, or depart from the altar and sacrifices."

The E. history of Eusebius, and what has been written by Prudentius on the martyrdom of St. Lawrence, are sufficient to show, that even during the period now under consideration, many churches had not only sufficient means to support the clergy and poor attached to them, but had even acquired considerable property both moveable and immoveable. The Church of Rome surpassed all others, both in wealth and in deeds of surpassing liberality, exercised not only in the surrounding provinces, but even in Syria, Arabia, and to the remotest extremities of the Roman Empire.

The administration of all Church Property,

whether consisting of occasional offerings, or of moveable or immoveable goods, was vested, as all the ancient writers testify, in the bishop, who either personally, or by an agent appointed from among the clergy for that purpose, distributed the church revenue in such proportions, and to such persons, including the clergy and poor, as he thought proper. A custom, however, arose in the course of the fourth century, it is impossible to ascertain the precise place or date of its origin, of dividing into four equal parts the entire revenue of each church, whether arising from fixed income or daily offerings. “*Tam de reditu quam de oblatione fidelium,*” that is to say, one part for the maintenance of the bishop, (who is supposed to have transferred all his private property to the common stock or fund,) and to enable him to exercise hospitality; a second part to the clergy of the church for their support, and the two remaining parts to be expended on the fabric of the church, and the support of the poor.

The first authentic mention made of this distribution, is found in a letter, Ep. 3, of Pope Simplicius, in the fifth century, being a commission given by him to the Bishop Severus, to correct the mal-administration by the Bishop Gaudentius, of

the revenues of his church. In this letter the Pope refers to the above-mentioned division as to an old established custom ; he specifies the objects to which each portion of the income is to be applied, and charges those concerned, on their responsibility, to carry his commands into effect. The Pope Gelasius, shortly afterwards, Ep. 9, renews this regulation, ordering, in express terms, the bishop to distribute to the clergy their fourth part, agreeably to ancient custom, “*sicut dudum rationabiliter est decretum,*” and enjoining the clergy to expect or seek for no more. “*Sic clerus ultra delegatam sibi summam nihil insolenter noverit expetendum.*” The Pope proceeds to instruct the bishop as to the application of the remaining two parts—to the building and repairing of the church, and to the maintenance of the poor, which he is to perform in such a manner as that the faithful may be edified, and no suspicion attach to him that he had appropriated any part of those sacred portions to his own use. But the whole passage being not only beautiful, but also a most authentic decree of antiquity, on which was founded a system of discipline and ecclesiastical economy, equally useful to mankind, and honorable to the church, it may be proper to insert it here.”

“Ea vero quæ ecclesiasticis ædificiis attributa sunt, huic operi veraciter prærogata locorum doceat instaurationi manifesta Sanctorum : quia nefas est, si sacris ædibus destitutis, in lucrum suum Presul impendia bis destinata convertat. Ipsam nihilominus adscriptam pauperibus portionem divinis rationibus se dispensasse monstraturus esse videatur, tamen juxta quod scriptum est, ut videant opera vestra bona, et glorificent patrem vestrum qui in cœlis est, oportet etiam presenti testificatione prædicari, et bonæ famæ præconiis non taceri.”

It is worthy of remark, that this division of Church Property, which was in itself wise and good, and appears to us the very “beau ideal” of canonical wisdom was introduced, not to improve what was good, but to remedy an abuse. Neglect, or something worse, on the part of the bishop or his agent, the avarice or thirst of worldly gain, on the part of some of the clergy, excited the murmurs and complaints of the defrauded poor, and of the holy and zealous men with whom the church abounded ; these complaints went up to the Pope, the head of the church, and he adopted, extended, and enforced a mode of distribution, already prevailing in some churches, which took away the occasion of injustice or fraud. There is,

however, little doubt, that in the still more ancient and more pure times of the church, all its revenue was the patrimony of the poor. Such of the clergy as had goods of their own, generally gave them up to the common fund, and either received their support out of them as alms, or earned that support by the labour of their own hands. Indeed, even in the fifth century, we find the opinion admitted as true, that a clergyman possessed of private property, was not entitled to support from the church, and could not receive it without the guilt of taking from the poor what of right belonged to them. Nor is it asserted to this day, by any good divine, that a churchman can expend, without a violation of charity or justice, even of the portion allotted to him, more than is necessary for his decent support, and the defraying the unavoidable expenses attendant on his state. The residue of his income, whatever it may be, should, it is asserted, be employed for the same charitable or religious purposes as those to which the whole fund, of which his portion is a part, had been originally destined.

It is also deserving of notice, that this four-fold division of Church Property, introduced thus early into the Latin Church as a remedy of abuse,

was not at any time adopted in the Greek Church ; but if in the latter, the primitive institutions continued longer, they were not so pure at all times, or even for a long period, as not to require such a regulation as that adopted by their brethren in the west.

To pursue, however, this main object of our inquiry. We find, that in the decline of the sixth century, the clergy urged with more than usual eagerness, the necessity of increasing those revenues entrusted to the bishops for the before-mentioned purposes. The state of the western church, at this time, was one of extreme difficulty ; the Roman empire was split in pieces, and in its fall was bringing ruin and desolation on those to whom it had formerly afforded protection and security. The barbarians of the North overspread Italy, Spain, France, and Illyricum, nor was there a single province of the once mighty but now falling Roman state, which anarchy, war, or famine, had not in their turn desolated. The sort of mixed governments, partly civil, and partly military, established by the semi-barbarous conquerors, were but an indifferent substitute as yet for the polished discipline and refined legislation of the Romans. The cities had been sacked and

pillaged—all their most noble and useful institutions had disappeared—commerce had nearly altogether ceased—agriculture was neglected, and the population of whole provinces sometimes nearly disappeared altogether:—they had fallen by the sword, or perished of hunger, or were reduced to a state of slavery. Clovis, and his successors in Gaul, were the first to use exertions for the re-establishment of order, and under these princes the church was in some sort re-established—religion once more revived. Learning, however, on the Continent had every where decayed, and at this period, as well as during several succeeding centuries, we look in vain for those manifestations of mental power, and enlightened piety, which shed so much glory on the two preceding centuries. The spirit of the Gospel still, however, exerted its divine influence, and produced, in the midst of the darkness and disorder which prevailed, a surprising number of bishops, distinguished for the purity of their lives, and the unwearied zeal with which they laboured to apply remedies to the evils of their time. It may appear strange, that a claim to tithes should be first advanced at such a period and by such men:—that canons which would seem to have no object but the aggrandize-

ment of the church, and the enriching of churchmen, should have been first enacted by bishops, who, since their own time, have scarcely had successors approaching to them in the practise of piety, zeal, disinterestedness and charity. But the truth is, that they took upon themselves, with the sanction and approbation of the several states or princes within whose dominions they resided, the exclusive care of the poor. The widow, the orphan, and the stranger, were their peculiar care; hospitals were built by them; schools and monasteries were established by them; cities were rebuilt by them; all who were in affliction or distress had recourse to them, so that if even a moiety of what their biographers and the historians of these ages relate of them, be deserving of credit, they appear to have been appointed more than all who came after them, to preach the Gospel to the poor, and to heal the broken-hearted. Such were the men who advanced a claim to tithes, and first fruits, and enforced the payment of them, and of such like offerings, by appeals to the Jewish dispensation, the temporary ordinances of which, relating to tithes, they applied to the Christian ministry and people. They were led into this mode of thinking and acting, by their

want of knowledge at a time when learning was no where cultivated, and by their zeal for the poor, who looked to them for support. Their opinions and decrees, promulgated to an ignorant soldiery, or to a population more than semi-barbarous, often met with opposition from the sword, but was seldom confronted by argument. Thus, then, was introduced the doctrine of paying tithes, first-fruits and other offerings after the manner of the Jews, and so rapid was its advance, that in the time of Charlemagne, or the year 800, we find the church and state every where combined in exacting tithes, and enforcing the payment of them with a power and rigour till then unknown in the Christian Church. Had the men who introduced this system foreseen the remote consequences of their own acts, in the luxury and corruption of churchmen, in the spread of simony, in the decay of religion, in the tyranny of power, in the oppression of the weak, in the revolt of states, in the subversion of thrones and altars, and in the contempt and hatred of kings and priests, they would never have allied the Church to the State, or sought by ecclesiastical censures or civil laws, to render excessive and compulsory that provision for the clergy and the poor which the divine Author

of our religion willed to be the fruit of charity, or a just but voluntary return for services performed. But it is our duty at present to lament rather than condemn, to amend or alter, rather than inveigh against a mode of proceeding, which perhaps the necessities of the time justified.

These general remarks, however, in which I have indulged, should be sustained by reference to the public records of the time to which they refer. It is indeed especially requisite to point out both the canons which show the introduction of the tithe system, and also such documents as are necessary to vindicate from the charge of ambition or avarice the characters of those good men, who first, as I have learned, applied literally the Mosaic ordinances on tithes to a Christian people.

The first authentic document of the above description to be met with is a circular letter, addressed by the bishops who composed the second council of Tours. The following are extracts from it.

“*Illud vero instantissime commonemus ut Abrahæ documenta sequentes Decimas ex omni facultate non pigeat Deo, pro reliquis quæ possidetis conservandis, offerre: ne sibi ipse inopiam generet qui parva non tribuit ut plura retentet, et*

quod dicendum est verius, suum persolvat pretium, ne se trahi videat peccato dominante captivum. Ergo si quis in Abrahæ conlocari vult gremio, ejusdem non repugnet exemplo; et solvat eleemosynæ pretium quisquis optat regnare cum Christo.” This is a strong exhortation, but still is only an exhortation. The letter proceeds to encourage the payment of tithe for slaves, “Licet superius dictum sit, ad exemplum Abrahæ hostias afferri debere, attamen propter cladem quæ imminet, hortamur ut etiam unusquisque de suis mancipiis Decimas persolvere non recuset.”

But as some families might not have slaves to decimate, and yet probably were blessed with children, such persons are exhorted to pay a small capitation tax for each of them, which might be employed for the redemption of captives. The words are the following, and the matter is too curious to allow of their being omitted.

“Quod si mancipia non sint, et fuerint aliqui habentes binos aut ternos filios per unumquemque singulos *tremisses* in episcopi manu contradat, aut quem suo loco pontifex elegerit, adsignare non dilatet, quod posset in redemptionem captivorum conferri: ut cum sic agitur, et præsentis iræ remotio, et merces proficiat in futuro.”

As yet the demand for tithe was only urged by strenuous exhortation. This probably had not the desired effect, and hence, in about twenty years after the foregoing letter was written, that is, in the year 585, a numerous synod of bishops, held at Magon, issued the following decree, in which the divine right of the clergy to tithe is expressly laid down, and the payment of them said to be usual in the Church from the remotest times, of which assertion, however, no proof is adduced. It is said that this decree, with the consent of king Gontran, within whose territory the council was held, had annexed to it the penalty of excommunication. If so, this is the first instance known to me, wherein censures were had recourse to as a means of enforcing the payment of ecclesiastical dues. The canon is, on many accounts, interesting, but especially as being the first extant, in which the divine right to tithe is formally put forth.

“*Leges divinæ consulentes sacerdotibus ac ministris ecclesiarum, pro hæreditatis portione omni populo preceperunt decimas fructuum suorum sacris locis præstare, ut nullo labore impediti horis legitimis spiritualibus possint vacare ministeriis. Quas leges Christianorum congeries longis temporibus*

custodivit intemeratas. Nunc autem paulatim prævaricatores legum, pene Christiani omnes ostenduntur, dum omnes quæ divinitus sancita sunt adimplere negligunt. Unde statuimus ac decernimus, ut mos antiquus a fidelibus reparetur; et Decimas Ecclesiasticis famulantibus ceremoniis populus omnis inferat, quas sacerdotes aut in pauperum usum, aut in captivorum redemptionem prærogantes suis orationibus pacem populo, ac salutem impetrent."

Whilst the right of tithes was thus enforced in France, similar claims were put forward in Italy, and advanced by means not less efficacious.—Among these was one somewhat remarkable—a prophecy by a very venerable hermit, called Hospitius. This good man, ruminating over the crimes and scandals too prevalent among his countrymen, imagined he saw in a vision the Lombards coming in to ravage Italy, as avengers sent by God to punish the vices of the age, among which he ranked the non-payment of tithes. The passage is curious, as showing that the estimate formed by good men of the depravity of human morals, at every period of time, is pretty nearly the same. This holy anchorite, after predicting the invasion of Italy by the Lombards, and mark-

ing the object of their coming, is represented to have said,

“Est enim omnis populus infidelis, perjuriis deditus, furtis obnoxius, in homicidiis promptus, a quibus nullus justitiæ fructus ullatenus gliscit, non *decimæ* dantur, non pauper alitur, non tegitur nudus, non peregrinus hospitio recipitur.”

Thus, then, the custom of paying tithes was gradually confirmed. At first it was a mere voluntary offering ; it was then propounded as a sacred, conscientious duty, prescribed substantively by our Lord and his Apostles. The payment of them was next enforced by provincial councils, as to be made in virtue of the law of Moses, supposed to have been long dormant, but now renewed in the church. The civil law was, in some places, called in to aid the ecclesiastical canon, and the visions and exhortations of holy men, were admitted to share in a work so necessary for the salvation of the faithful.

There was remaining but one barrier to the establishment of this decimating system. The Roman Emperors, wheresoever they had authority, endeavoured to resist it, or at least to check the enormous abuses, which, even from the commencement, grew up with it. The code of Jus-

tinian recognises its existence, but by a special law, c. de Episc. et Cler. L. 38, the emperor endeavours to restrain the rapacity of the clergy, and afford to his subjects protection from their exactions. The words of the law are remarkable.

“Non oportet episcopos aut clericos cogere quosdam ad fructus offerendos, aut angarias dandas ; aut alio modo vexare aut excommunicare, aut anathematizare, aut denegare communionem, aut idcirco non baptizare. Quamvis usus ita obtinuerit. Transgressor cadit ab Ecclesia et administratione ipsius, et dat decem libras.”

But the above law was an impediment easily removed when the name only of the emperor, for his power was passing away, sustained it. In a little time its operation was confined, as Balsamon tells us, to the Patriarchate of Constantinople, and the abuses which it was designed to check grew up and flourished, both within and without the pale of the empire.

Othlon, who wrote the life of Boniface Archbishop of Mayence, assures us, with all becoming gravity, that the Apostles, he means the Twelve Apostles of our Lord, had assigned the tithes of all believers to the bishops and churches, but upon this condition, so often renewed by the canons,

that one moiety of them would be applied to the fabric of the churches and to the relief of the poor, of hospitals and monasteries ; “ but this,” he adds, “ so holy and so necessary a precept, is not only now totally disregarded, but almost utterly forgotten. The precept of paying tithes is read and remembered, but the uses they should be applied to are carefully ignored”—*ignorantiæ commendantur*.

I would willingly transcribe this whole passage, as it exhibits a most lovely picture of the manners and opinions of the time, but its length would encumber such an essay as the present, whose object is to indicate, rather than discuss minutely the origin, nature, and destination of Church Property.

We have seen this tithing system growing up, as it were, from an early period of the sixth century, and extending itself gradually, until the close of the eighth, at which period, it seems to have taken hold of all those countries in Europe, which had been at any time subject to the government of Rome. Britain herself was not exempted from this salutary visitation ; it was introduced with Christianity itself, as we learn from the letters of Augustine to Pope Gregory, and Bede informs us, Lib. 4. Hist. 29, that even before his time, all

imaginable things in England were subjected to tithe. He adduces, as a proof of superior virtue in Eadbert, that previous to his being raised to the episcopacy he had, like Abraham, paid tithes of all he possessed. “*Ita ut juxta legem omnibus annis Decimam, non solum quadrupedum, verum etiam frugum omnium, atque pomorum, necnon et vestimentorum partem pauperibus daret.*”

Ireland alone, of all the Christian Churches in Europe, paid no tithes at this period ; perhaps, because in Ireland alone true piety flourished, and science was cultivated.

I have before observed, that the men who introduced this tithing system, were distinguished by their disinterestedness, piety, and zeal ; and so far from seeking to enrich themselves and aggrandize their order at the expense of the poor, and the industrious, as so many of their reputed successors have since done, or are still doing, they, on the contrary, sought in this system only for the means of alleviating the sufferings of their fellow Christians, or ministering to the wants of the poor.

This truth is proved by the language of the canons and documents already quoted, wherein not only the fourfold division of ecclesiastical dues is repeatedly and expressly set forth, but also

the relief of the poor advanced, as the great ground work of the obligation of paying tithes. It was at that period, as well as at all preceding times, universally admitted, at least in theory, that churchmen were only trustees for the poor, and had no *property* in tithes, oblations, or other ecclesiastical dues or offerings; that they were entitled to a competent support only, and that the residue belonged, and was consecrated to the charitable or religious purpose so often before mentioned.

The following extract, from the writings of S. Cesarius, Archbishop of Arles, in Gaul, presents a summary of the prevailing doctrine of these times.

“Decimæ non sunt nostræ, sed Ecclesiæ deputatæ, verum quidquid amplius quam nobis opus est a Deo accepimus, pauperibus erogare debemus. Si quod eis deputatum est nostris cupiditatibus aut vanitatibus reservamus quanti pauperes in locis ubi nos sumus fame vel nuditate mortui fuerint, noverimus nos de animabus illorum rationem reddituros.”

We have seen the origin and progress of tithes, as well as the mode in which they were applied from their first introduction, to the close of the eighth century. In the year 800, Charlemagne was crowned Emperor of the West, and fixed per-

manently, and by a regular code of laws, the tithing system throughout the whole extent of his empire. His Capitularies, as they are called, are filled with laws enacting the payment of tithes, and so decided was his policy in this respect, that the address, eloquence, wisdom and piety, of his celebrated friend and adviser, Alcuin, were not sufficient to dissuade him from subjecting to this heavy impost the Huns, a barbarous people, but lately converted to the faith. This Alcuin, was a man of superior mind, who, in those darksome times, shone like a star in the midst of a clouded firmament. He redeemed the age in which he lived from the character of barbarism, which would otherwise have attached to it, and had the legislators, his cotemporaries, been able to sustain the heat and light of his genius, he would have conducted them out of that desert, in which they and their successors, for centuries afterwards, were detained. But like the prophetess, doomed never to be believed—or, like Esop, fearing boldly to divulge his wisdom, Alcuin foresaw what he could not avert, and only intimated what he wanted power and influence sufficient to enforce. His letter to the Emperor, quoted by Le Coint, An. 798, is a curious document. He prays this con-

queror, flushed with victory, and burning with zeal, “to consider in the case of the Huns, whether it would not be wise to pause, before he imposed on a rude people, but lately converted, the yoke of tithes. . . . Whether the Apostles, instructed by Christ, would exact of them such sacrifices, whilst they were as yet but weak in the faith, whereas we,” continues the writer, “we ourselves, born in the Catholic religion—nourished and instructed in it, scarcely consent to see our property decimated.”

“An Apostoli a Christo edocti exactiones Decimarum exegissent? Nos in fide catholica nati, nutriti, et edocti, vix consentimus substantiam nostram pleniter decimari. Quanto magis tenera fides, et infantilis animus, et avara mens illarum largitati non consentit?”

His suggestions and advice were slighted ; power, established usages, religious prejudices, and vested rights, stood against the Spirit of the Gospel, and the reasoning of Alcuin. And not only was the law of tithing every where confirmed throughout the more civilized portions of the new empire, but all the nations inhabiting between the Rhine and the Danube, were forced to bend their necks to this salutary, but yet galling yoke.

In some places the tithe collectors, as sometimes happens in our own days, exceeded the very extensive powers given to them by law, and compelled the farmers to verify by oath their fulfilment of the obligations imposed on them. But Charlemagne corrected this abuse, Capit. L. L. 2. c. 38, leaving, however, the penalty of excommunication in full force, “qui decimas dare neglexerint excommunicentur. Juramento vero eos constringi nolumus, propter periculum perjurii.” He prohibits, however, all composition or *modus* in lieu of tithe; the words of the law are,

“De Decimis quas populus dare non vult nisi quolibet modo ab eo redimantur, ab Episcopis providendum est ne fiat. Et si quis contemptor inventus fuerit, et nec Episcopum nec Comitem audire voluerit, si noster homo fuerit, ad presentiam nostram venire compellatur. Cæteri vero distringantur, ut inviti Ecclesiæ restituant qui voluntarie dare neglexerunt.”

Having thus seen the tithe system firmly established by the combined power of the church and state, and not always as is manifest, in accordance with either the wishes or the interests of those on whom it was imposed, it is time to examine to

whom tithes were now paid, and to what purposes they were applied.

It appears by the whole tenor of the legislation, both civil and ecclesiastical of these times, that the bishops, and they only, were the trustees into whose hands, or to whose officers or orders, tithes were as yet payable. One sentence from the Capitul. the European code of this time, suffices to prove this. “Unusquisque suam Decimam donet, et per jussionem Episcopi dispensentur.” L. 5. c. 123. Even the lands granted by kings or nobles to monasteries, paid tithes to the mother churches in their vicinity, and continued at the disposal of the bishop. He, however, was only the trustee, as we have said before, bound to watch over the application of them. The mode of distribution was regulated most expressly, both by the canon and civil law. I insert here short extracts from both, which are sufficient evidence on this subject.

The first of these extracts is from the acts or canons of a council held at Paris, and which afterwards became the law of all Europe, by being substantially adopted by the great council of Lateran in 1215, under Pope Innocent III. To this canon Ware refers. “Et quamquam aucto-

“ritas canonica doceat, ut quarta pars decimarum
 “et reddituum ex oblationibus fidelium in usus
 “Episcoporum cedat, ubicunque tamen Episcopus
 “sua habet suis contentus sit. Ubi autem nil
 “rerum Ecclesiæ suæ habet, accipiat de memo-
 “rata quarta parte sibi suisque, non quod avaritia,
 “quod absit, suaserit, sed potius quod necessitas
 “compulerit. Cæterum si accipiendi nulla ne-
 “cessitas urserit, nihil de memorata quarta parte
 “accipiat, sed usibus Ecclesiarum et pauperibus
 “Christi impertiendum secundum suam disposi-
 “tionem relinquat.” The civil or mixed law, for
 it was generally enacted by both powers conjointly,
 is still more express. Capit. Lib. 7, c. 290, pro-
 vides as follows: “Instruendi sunt Presbyteri
 quatenus noverint Decimas et oblationes pauperum
 et hospitem et peregrinorum esse stipendia. Qua-
 liter vero dispensari debeant, Canones sacri insti-
 tuunt. Scilicet ut quatuor partes ex omnibus
 fiant, unam ad fabricam Ecclesiæ relevandam,
 altera pauperibus distribuenda, tertia Presbytero
 cum suis clericis habenda, quarta Episcopo reser-
 vanda, et quidquid exinde Pontifex jusserit pru-
 denti consilio est faciendum.”

Another enactment has it thus: “Juxta pre-
 ceptum proprii Episcopi, secundum canonicas

sanctiones, atque decreta Beati Gelasii Papæ.” And another, “Sacerdotes Decimas secundum auctoritatem canonicam dividant coram testibus. Et ad ornamentum Ecclesiæ primam elegant partem, secundam autem ad usum pauperum vel peregrinorum, tertiam sibimetipsis soli Sacerdotes dispensent.” The words of this canon are nearly the same as those of the constitutions of York, in 1250.

Wheresoever the bishop did not require his portion for his support, the division was threefold, two parts of which, in the more wealthy churches, was assigned to the poor, and where the revenues were small, the whole was equally divided between the clergy and the indigent.

The legislation in the English church proceeded *pari passu* with that upon the Continent. Tithing was a portion of the discipline introduced, as was before observed, by St. Augustine into England, and we may infer from Bede, quoted above, that the Saxons were not less disposed than their continental neighbours to submit to this impost. It was not, however, till after the consolidation of the Heptarchy by Egbert, who died in 838, that we find the statute law adopting and enforcing the rule of the church. Ethelwulphus, the son of

Egbert, was the first who prescribe to the English Saxons the payment of tithe : his son, the renowned Alfred, does not seem to have especially noticed them, but his descendant, Edward the Confessor, not only re-enacted the law of his ancestor, relating to the payment of tithes, but subjected to it all imaginable things which God gives to man. The words of the law are, “*De apibus vero similiter decima commodi, quin etiam de bosco, de prato, de aquis et molendinis, parchis vivariis, piscariis, virgultis, hortis et negotiationibus, et omnibus rebus quas dederit Dominus, decima pars ei reddenda est.*” He also enlarged exceedingly the power and authority of the bishops, by enabling them to sit as judges in courts of civil judicature, and even to inspect and to correct the proceedings of the civil magistrates. The laws of Canute, the Dane, in 1032, were framed in a similar spirit. When the Normans, under William, in 1066, invaded England, and having overcome the Saxons, changed many of the laws and usages of their newly acquired country, they maintained, in all their integrity, what were called and deemed the rights and privileges of the church. The tithing system continued in all its vigour, and even extended itself to many things which upon the

Continent were and always continued exempt from tithe. The law of Edward the Confessor was rigorously enforced, and the distribution of the ecclesiastical revenues, as appears by several of the English councils, was exactly the same as that prescribed in the Capitularies of Charlemagne above quoted. The statute of Westminster, chap. 6, passed in the reign of Richard II. A. D. 1391, secured to the officiating clergyman, and to the poor, their portions of the fruits of even such benefices as were appropriated, that is, as were seized upon by the Pope, or king, or their nominees. The statute of Mortmain was enacted in 1279, to check the acquisitions of the clergy. The statute of Provisors, and that of Premunire, were afterwards passed and renewed to check or prevent the encroachments of the See of Rome; but in the various contests which divided the heads of the church and state, the rights of the poor were held sacred, and up to this day, by the common law of England, they appear to me fully entitled to their portion of the tithes. I have looked through all the statutes relating to the changes of religion, or affecting the church, from the 27th of Henry VIII. which first transferred to that prince the property of some monasteries, up to the 43d

of Elizabeth, which created a new provision for the poor, and unless this latter law can be said by implication to have repealed their legal right to a fourth part of the church revenue, I know of no statute or usage which can at present bar that right. I say "usage," because it is a maxim in the common law of England, that no lapse of time or possession can create a title by prescription against the church, unless the adverse possession is proved to exist from the time of Richard II. or Henry IV. and as the right of the poor to their portion of the tithes and church revenues is strictly and legally an ecclesiastical right, the church or its ministers holding in trust for them, I am unable to discover any reason, except inability, to enforce their claim, which excludes them (the poor) from the possession and enjoyment of what the law assigns to them. I was myself once nearly resolved to try this right in Ireland, by having a bill filed in a court of equity, but Lord Manners was Chancellor, and the temper of the time was unfavorable.

We come at length to the examination of the state of Church Property in Ireland—the only Christian country which enjoyed up to the period of the English invasion a total exemption from

tithe, I say a total exemption, for though some attempts to introduce the system had been made by Gilbert Bishop of Limerick, and by St. Malachy of Armagh, who were invested with a legatine commission from the Pope; and though these attempts were renewed by Cardinal Paparo, An. 1152, in the synod of Kells, they were, it might be said, totally ineffectual. The Irish people, since their first conversion to the Christian faith, always understood rightly the Gospel dispensation. They were always too rational, and too acute, to submit willingly to an unreasonable, I might add, an unjust imposition, and the law of tithe, whether civil or ecclesiastical, HAS NEVER HAD, EITHER IN CATHOLIC OR PROTESTANT TIMES, NO NOT TO THE PRESENT HOUR, THE ASSENT OR CONSENT OF THE IRISH NATION. They have been always at war with it, and, I trust in God, they will never cheerfully submit to it. It was imputed to them as a crime by Giraldus Cambrensis that they had never paid tithe, and would not pay tithe, notwithstanding the laws which enjoined such payment; and now, at the end of six hundred years, they are found to persevere with increased obstinacy in their struggles, to cast off this most obnoxious impost.

There are many noble traits in the Irish charac-

ter, mixed with failings which have always raised obstacles to their own well-being ; but an innate love of justice, and an indomitable hatred of oppression, is like a gem upon the front of our nation which no darkness can obscure. To this fine quality I trace their hatred of tithe : may it be as lasting as their love of justice !

The Irish Church did not require the tithe of the produce of the land, capital and industry of the faithful, for the maintenance of her ministry, and of the poor. She was richly, nay profusely, endowed with lands, the property of the many rich and powerful individuals or princes, who from time to time had embraced the clerical or monastic life, or had granted lands for pious uses to religious communities. The Irish clergy were the most distinguished in Europe, not only for their learning, piety and zeal, but more especially for their poverty of spirit, their habits of mortification and self-denial.

Whilst the priests and prelates of many other churches, by their pride, wealth, luxury, and ambition seemed to be occupied in preparing the way for Antichrist, those of Ireland were found to imitate the lives of the Apostles, and to vindicate by the purity of their manners the truth and

divinity of the Gospel. They enjoyed many privileges, derived not from princely power, but from the love and confidence of the people, among which privileges one was to have their lands exempted from tribute, and chief rents, and other public contributions. See the Acts of the Synod of Rathbrasail in 1112. However when in the dispensations of an all-wise Providence, our country was invaded by a British prince, carrying with him for the good of our souls a pope's bull, and an army of 4000 men at arms, and 500 knights, (what a force!!!) for the subjugation of our bodies—when this had happened on the 18th of October, 1171, we were also blessed with an importation of the tithe system. In the synod of Cashel, held in 1172, under the precedency of Christian Bishop of Lismore, and Apostolic Legate, who with several others had embraced the side of king Hen. II. it was decreed that “tithes should be paid to the churches out of every sort of property.” This canon is the MAGNA CHARTA of the tithe system in Ireland, though the decree itself remained a dead letter for many years after it was enacted, the Irish having receded generally from the fealty promised by them to Henry, and the whole nation

being, as was before observed, irreclaimably averse to tithe paying.

The English law and jurisprudence was however planted in the soil ; it grew up, though slowly, and some Normans and English having been put into the possessions of not a few ecclesiastical sees and dignities within the "Pale." A synod was summoned by Archbishop Cummin of Dublin, to meet in that city in 1186. This synod did meet, and the English and Irish, after a few sharp accusations and recriminations, such as those nations have ever been in the habit of interchanging, agreed to the following canon.

"It is decreed that tithes be paid to the mother churches, out of provisions, hay, the young of animals, flax, wool, gardens, orchards, and out of all things that grow and bear an annual increase, under pain of anathema after the third monition ; and that such as continue obstinate in refusing to pay, shall be obliged to pay the more punctually for the future." This was the substance of the law of Edward the Confessor, mentioned above.

The division or mode of distribution in Ireland, was prescribed by the common law, and was alike in both countries, viz. the priest or priests of the

church to which the tithe was payable, received the tithes, and kept a written account of what was paid, and by whom.

The oft-mentioned three or four-fold division of them was then made, in the presence of witnesses —pious men of the parish. One portion being set apart for the fabric and ornaments of the church, one for the bishop, if he was poor, and required it, which seldom or never happened in Ireland, notwithstanding the notice taken of it by Ware: a third part for the poor and the stranger, and the fourth part for the resident clergy.

Thus stood the legislation, civil and ecclesiastical of Europe, or of the Western Church in the 12th century. The body of the decretals, or canon law, was published in the 13th, and, for a while, the ecclesiastical power was triumphant every where; but in some time a reaction commenced, which continued progressing until the 16th century, when the church in her turn was subdued. But the history of these latter ages is so well known, and the conflict between the different powers, which have been brought into action, not being as yet ended, we may here close our observations. The object we had in view was, to ren-

der some account of the origin, nature, and destination of Church Property to the members of the parliamentary committee, appointed to inquire into the causes of distress in Ireland, as well as to such portion of the public, as are interested in similar inquiries. This subject has been, in some degree, attained. The inquiry led naturally, and almost necessarily, to reflections upon the state of Church Property in Ireland, and it would be uncandid in the writer to withhold, or seek to disguise his own opinions respecting the use which should be made of such property. He thinks the tithing system ought to be utterly and for ever abolished, and a land tax, not exceeding one tenth of the value of the land substituted for it.* The produce of which tax, as well as the church lands, placed at the disposal of parliamentary or royal commissioners, would enable them to provide amply for the support of the poor—to assist, when necessary, the ministers of religion, to educate all the people, and to promote to the greatest possible extent,

* The same end might be attained by making the adoption of the tithe-composition act compulsory, and allowing to the landholder a draw-back of twenty-five or thirty-three one-third per cent. on account of the capital, labour, and industry employed by him in the culture of the land.

works of public necessity, or national improvement.

But these ideas have been so happily expressed by Mr. Douglas, of Glasgow, in his most excellent pamphlet on the necessity of a legal provision for the Irish poor, published in 1828, by Longman, Reves, &c. that I cannot better conclude those observations, than by inserting the following extract from the above-mentioned work.

“In Ireland there is not only a fund provided by the law of nature and human feeling for preventing the starvation of the labourers in the midst of that plenty, which their own hands have produced by toil, unexampled in any other civilized country, and privations scarcely exceeded in the most savage tribes, *but there is a fund established by law* for the maintenance of the poor—in Ireland as well as England—by the laws of England, as they stood antecedent to the statutes of Elizabeth, which transferred from the church lands the original burden of maintaining the poor under which the church benefices were at first granted, and laid that burden on land generally.

For the immense possessions of the Irish Catholic church, were equally burdened with the main-

tenance of the poor, by the terms of the original grants—and by the uniform tenor and practice of that common law of England, which, by the right of conquest became the common law of Ireland. The statutes of the English Parliament, for relieving the church lands and revenues, which had been resumed by Henry VIII. of the burden of maintaining the poor, under which Henry had effected the resumption, and for laying the expense of maintaining the poor on the whole land of England, were intended to tranquillize the minds of the new owners of the church property in England. But these statutes never extended to Ireland, nor even to Scotland—till Scotland, by her own legislature, enacted a similar provision for the poor out of the land, in order to put down the 100,000 “maisterfu’ reevers and sorners,” mentioned by Fletcher of Saltoun.

In Ireland, therefore, the law regarding the maintenance of the poor, stands precisely where it did before the time of Henry VIII., when the Church was bound, from its revenue, to maintain the poor, and did so while the Catholic Church had these revenues. If therefore, the episcopal Church of Ireland obtained and holds the princely revenue of the ancient Catholic establishment, by

what principle of common law, or common sense, does the successor in the property refuse to perform the duty inseparably attached to that property? * It cannot be because the revenues are insufficient—or because the spiritual duties of the Irish Church are too severe for the remuneration. For it was ascertained, that of the population of Ireland, when taken at 6,800,000 only 1-14th or 490,000 were Episcopalians—and 300,000 Dissenters—while nearly six millions were of the original religious establishment, to whom the property belonged, and among whom, from obvious causes, the great bulk of the poor are to be found. The Episcopal Church of Ireland contains, besides curates, who do the duty where there are churches, 687 sinecure dignified clergy in 1829 parishes, who may be said, with few exceptions, to be non-resident.

The rental of Ireland has been rated at 20s. an acre, including mountains and bogs ; and the extent of the surface being, by some, taken at seventeen millions of acres ; but let it be taken as low as fourteen millions, the total will be a rental of

* I am told that acts of vestry in some parishes in Ireland are extant ordering the application of 4*a. pars* to the relief of the poor by the Protestant Clergy.—*Editor.*

fourteen millions sterling. The proportion of the land composing Church Property, exclusive of tithes, has been estimated, by good authority, at two-elevenths of the whole, which is annually—

£2,545,454

The tithes of the 1289 benefices are

said scarcely, in any case, to be un-

der £500 per annum, and, in many

cases, £1,000 to £5,000; but say

£550, which gives - - - £708,950

Total, - £3,254,404

But this shows the revenues of the Church at much too low an estimate; because the church lands are generally situated in the most fertile districts, and they are let usually at the old low rent, not a fifth of the true value, because the incumbent receives a large fine, grassum, at the renewal of each lease—by which practice some dignitaries have amassed half a million of money :—Five millions therefore would probably be nearer the truth than any other sum, as the annual revenue of the Irish Church; and this for doing the spiritual duty of 490,900 souls. Such enormous waste of public wealth, for such a purpose, is altogether without example in the history of human extravagance.

Such a fund for the maintenance of the poor was, perhaps, never known in any age, and this, too, one of its primary purposes,—and yet we are asked, where is the fund from which to maintain Irish poverty, and suppress Irish beggary—the opprobrium of the empire?

It has often been proposed to commute the tithes, at a low valuation, which would undoubtedly tend to tranquillize the people whose feelings are constantly exasperated by the harsh proceedings of tithe proctors in seizing their poor pittance of potatoes, or their pigs, for such an offensively levied impost,—for the support of a church of which they know nothing but by its practical oppressions,—which too readily prepares them to think ill of the heretical principles that can lead to such conduct in its ministers.

But the commutation of tithes, if the remission were made to the landlord, would not do much for the tenant, except to increase his rent, although it would so far be of benefit, as the payment would not be so vexatiously taken in kind, or enforced by the oppressive and expensive process of ecclesiastical courts, where the clergy are judges in their own causes, and ecclesiastical officers reap the gain of the costs which ruin the tenantry.

The commutation should be accompanied with a legislative declaration that the proper maintenance of the poor was originally a condition of granting the tithe, and that the price should be low in consequence of this burden being expressly retained and re-enacted in the law of commutation, as a perpetual payment from the land.

A very small portion of the immense property in land belonging to the church, after the death of the present incumbents, would suffice for the liberal endowment of a fair proportion of dignified clergy, both Episcopalian and Catholic.

The great bulk of three millions a-year, belonging in property to the church, might form a fund for the most magnificent improvements, by employing, at adequate wages, the Irish poor in cutting canals, making roads, draining and cultivating bogs, and morasses ; exploring coal, lime, marl, and other minerals ; forming harbours ; enclosing and planting on the church lands ; establishing fisheries, founderies, and various manufactures. By such means, the country might be indefinitely improved ; and the demand for employment would raise the wages, the comforts, the character, the caution, the repugnance to reckless marriage, of the people ; and retard the increase and improve the condition of the population.

There is another fund for defraying the expense of providing for the Irish poor, which is but little thought of, though it is most important. Were Ireland conciliated by just government, by the impartial admission of all religions to civil and political privileges—by a just arrangement of Church property, so as to provide fairly for all the teachers of religion, without taking away anything which any man has a right to enjoy during his life—and were that abject poverty in the people abated, and their comforts improved, by a judicious system of relief, we should no longer see desperate hunger in arms against political and religious monopoly and oppression. The minister of peace leading on troops to shoot his starving flock, for rescuing or secreting the animal which yielded milk to their famishing children. We should see Ireland protected as Scotland is, by a few skeleton battalions, instead of a regular army, at an expense of two millions sterling—besides another army of local yeomanry and armed police—all of whom, besides the enormous expense, so far from producing peace, seem only more to embroil the fray, by local grudges and religious animosity, carrying arms only on one side.

The pacification of Ireland, and above all the

elevation of the character of the common people, would render the country safe and comfortable for the wealthy land-owners to reside in, and would induce persons of skill and capital to establish manufactures. In the present state of that unhappy country, it is difficult to blame absentees, who have the means of living in the tranquil portions of the empire."

THE END.

The first of these is the fact that the
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